



**STAKE
YOUR
CLAIM**

BEATRICE

CITY • BOARD OF PUBLIC WORKS

**PERSONNEL POLICIES,
HANDBOOKS, MANUALS
& UNION CONTRACTS**

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RESOLUTION NUMBER 6324

WHEREAS, the Drug-Free Workplace Act has been created to ensure a working environment for employees which will produce a drug-free workplace; and

WHEREAS, the City of Beatrice is committed to providing a drug-free workplace.

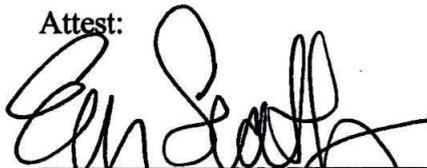
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

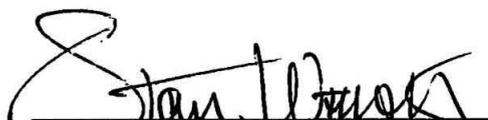
SECTION 1. That the “Drug-Free Workplace Policy”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution 3771 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 17th day of December, 2018.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



**STAKE
YOUR
CLAIM**

BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310

Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310

Phone: 402.228.5211 Fax: 402.223.5181

DRUG-FREE WORKPLACE POLICY

1. TOBACCO USAGE

Tobacco use is prohibited by all persons in accordance with the Tobacco Use Policy as adopted by the City Council.

2. DRUG-FREE WORKPLACE

The City is committed to providing a safe work environment. The City prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Any violation of this policy is subject to discipline up to and including termination, for the first offense. The substances that are prohibited include but are not limited to the following:

- Alcohol
- Cannabinoids (marijuana, hashish)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, designer drugs etc.)
- Narcotics (heroin, morphine, etc.)
- Stimulants (cocaine, methamphetamines, etc.)

In the case of employees who may be subject to call-back on holidays, weekends and after duty hours, it is possible that use of alcohol, prescription, or over-the-counter medications may cause the employee to function in a manner which could be unsafe or harmful to him/her self or others. Employees who are officially "on call" during hours, which would normally not be working hours, shall abstain from drugs and alcohol during that time. Employees who are not assigned official "on call" status should notify the Department Head, Superintendent, or City Administrator/BPW General Manager upon emergency call-back if they do not believe they are able to perform the duties necessary due to use of medications, drugs, or alcohol. Employees who are not "on call" will not be disciplined or be subject to retaliation for such disclosure.

Any employee charged with a violation of a criminal drug statute must inform their Department Head, Superintendent, or the City Administrator/BPW General Manager or his/her designee of such a charge by the next business day. Failure to inform the Department Head, Superintendent, or the City Administrator/BPW General Manager or his/her designee will subject the employee to disciplinary action, up to and including termination for the first offense. Any employee aware of drug or alcohol use or impairment on the job by another employee is required to report such use or impairment to his/her Department Head or to the City Administrator/BPW General Manager. Failure to do so may result in disciplinary action.

The City reserves the right to offer employees convicted of violating a criminal drug statute, the opportunity to participate in a rehabilitation or drug abuse assistance program, at the employee's expense, as an alternative to discipline. If such an opportunity is offered and accepted, the employee must successfully complete the program before returning to their position as a condition of employment.

The City may test all applicants who have been offered a position with the City prior to starting their new job. Job placement is contingent on the results of the drug testing. The City may test for the following substances for all new hires:

- Amphetamine/Methamphetamine
- Cannabinoids
- Cocaine metabolites
- Opiates
- Hallucinogens (PCP, LSD, designer drugs etc.)

The City reserves the right to test any employee that it has reasonable suspicion to believe is under the influence of alcohol or drugs while in the workplace. Failure to comply with a request for a drug test pursuant to this policy or failure to release results of such test shall result in the termination of employment. The City shall also maintain a testing program as is required by the U.S. Department of Transportation (DOT). This program will apply to employees in job classifications that require a Commercial Driver's License (CDL).

3. RECORD KEEPING

- (a) Records demonstrating that the collection process conforms to the requirements of this policy will be kept for at least three (3) years by the City Administrator/BPW General Manager or his/her designee.
- (b) Records showing that an employee failed a drug test and the type of test failed must be kept for at least five (5) years and will include the following information:
 - (1) Functions performed by an employee who failed a drug test.
 - (2) Prohibited drugs used by an employee who failed a drug test.
 - (3) The disposition of an employee who failed a drug test (termination, transfer/ etc).
- (c) Records showing that an employee passed a drug test must be kept for at least one (1) year.
- (d) A record of the number of employees tested and the type of test must be kept for at least five (5) years.
- (e) Records showing training for supervisors and employees under this policy must be kept for at least three (3) years. Training records will include copies of all training materials.

4. CONFIDENTIALITY

- (a) All records concerning drug or alcohol abuse testing results and rehabilitation will be maintained as private and confidential. This includes testing records of applicants for jobs and current and former employees. Records will be kept by the City Administrator/BPW General Manager or his/her designee.
- (b) Written records and test results will be kept in a locked, secure area, with access limited to personnel listed in the provisions below.
- (c) Only the laboratory and the City Administrator/BPW General Manager, or his designee shall have access to results of individual tests. Individual results will not be disclosed to anyone else, including subsequent employers, without the express written permission of the individual tested.

The City Administrator/BPW General Manager may disclose information to a physician for determining the medical qualification of an employee if:

- (1) In the City Administrator/BPW General Manager's judgment, the information could result in the employee being determined to be medically unqualified,
OR
- (2) In the City Administrator/BPW General Manager's reasonable judgment, the information indicates that continued performance by the employee of his/her function could pose a significant safety risk.

Before obtaining medical information as part of the verification process, the City Administrator/BPW General Manager or his/her designee shall inform the employee that information may be disclosed to a third party as provided in this policy and the identity of any parties to whom information may be disclosed.

Except as provided above, the City Administrator/BPW General Manager or his/her designee shall not disclose to any third party, medical information provided by the individual to the City Administrator/BPW General Manager or his/her designee as a part of the testing verification process.

- (d) Employees will be notified as to who will receive test data before testing is done.
- (e) Any employee who is subject to a drug or alcohol test shall, upon written request, have access to any records relating to his/her test and any records relating to the results of any relevant certification, review or revocation of certification proceedings.
- (f) The City Administrator/BPW General Manager or his/her designee may reveal quantification results to the employer, the third party administrator, or a decision maker in the case of a lawsuit or grievance initiated by or on behalf of the employee and arising from a confirmed positive test.

5. RELEASE OF INFORMATION FORM

Employees who elect to complete a drug/alcohol treatment program in lieu of disciplinary action shall sign a release of information form, so that the City may receive the following information from the treatment facility or counselor if necessary:

- (a) An approximate date the employee may return to work;
- (b) Verification that the employee is attending and participating in counseling sessions as scheduled;
- (c) Verification that treatment is progressing as expected; and/or
- (d) What help will be given to the employee and company personnel to assist them in making the employee's transition back to work a smooth and successful one.

RESOLUTION NUMBER 7253

WHEREAS, the Mayor and City Council of the City of Beatrice wish to revise the policy guidelines for the use of tobacco and electronic nicotine delivery systems (e.g. e-cigarettes, vape pens, or similar devices) by employees of the City of Beatrice and in buildings and vehicles owned by the City of Beatrice.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

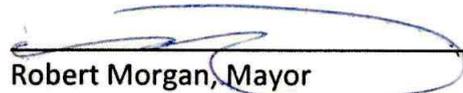
SECTION 1. That the "Tobacco Use Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 4. That Resolution 6332 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 18th day of March, 2024.

Attest:


Amanda Kuhlman, Deputy City Clerk


Robert Morgan, Mayor



TOBACCO USE POLICY

PURPOSE

It is the purpose of this policy to establish guidelines for the use of tobacco products and electronic nicotine delivery systems by employees of the City of Beatrice ("City"), and for the use of tobacco and electronic nicotine delivery systems in buildings and vehicles owned by the City.

DEFINITION

For the purpose of this policy, "tobacco" is defined as all tobacco and alternative nicotine products, including but not limited to, cigarettes, cigars, pipes, electronic cigarettes, vapor products, oral tobacco, and nasal tobacco. It also includes any product intended to imitate tobacco products or deliver nicotine. Tobacco does not include any device or substance approved for cessation of tobacco use by the US Food and Drug Administration.

USAGE

Tobacco use is prohibited as set forth below:

- a. No tobacco shall be used in any City owned or leased building;
- b. No tobacco shall be used in any City owned or leased vehicle;
- c. No on-duty employee shall use tobacco on any City owned or leased property;
- d. No employee shall use tobacco while on City time unless on an authorized break and the employee is:
 - a) off of City property, or
 - b) in their own personal vehicle;
- e. No employee shall use tobacco while conducting any City business;
- f. No employee shall use tobacco while attending any meeting on behalf of the City; and
- g. No employee shall use tobacco while attending any function on behalf of the City.

RESOLUTION NUMBER 7110

WHEREAS, in 1998, the City of Beatrice adopted a Continuing Educational Assistance Policy; and

WHEREAS, on June 5, 2017, the City of Beatrice revised the Continuing Educational Assistance Policy; and

WHEREAS, the Mayor and City Council desire to revise said Continuing Educational Assistance Policy; and

WHEREAS, the Mayor and City Council desire to adopt the revised Continuing Educational Assistance Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the **Continuing Educational Assistance Policy**, attached hereto as Exhibit "A" and incorporated herein by reference, be and is hereby approved and adopted.

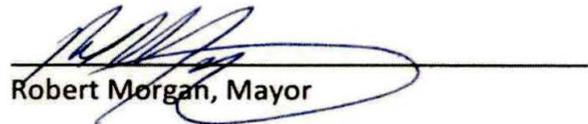
SECTION 2. That Resolution Number 6069 and all resolutions or parts of resolutions in conflict herewith be and are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 21st day of August, 2023.

Attest:



Erin Saathoff, CMC, City Clerk



Robert Morgan, Mayor

Exhibit "A"

CONTINUING EDUCATIONAL ASSISTANCE POLICY

GENERAL POLICIES

1. Any training required by the City of Beatrice, as determined by the City Administrator, will be paid one hundred percent (100%) by the City. The City may enter into an agreement whereby the employee agrees to continue to work for the City for a length of time specified in the agreement upon completion of such training.
2. If a full-time employee, on his or her own, desires to take an educational course or obtain training, the employee can apply for eighty percent (80%) tuition reimbursement and eighty percent (80%) book reimbursement from the City.
 - a. In order to receive this reimbursement, the course or training must be job related. The employee shall apply to his or her Department Head and explain in writing how the course or training will relate to their particular job. The Department Head will then forward this request to the City Administrator for final approval.
 - b. If assistance is provided, the employee must enter into a contract agreeing that the employee will continue to work full-time for the City for at least two years after receiving assistance. If the employee does not fulfill the requirements of the contract, the employee must reimburse the City for the full amount expended by the City within sixty (60) days after termination of employment. Should the employee leave employment with the City prior to the expiration of the two (2) year term, such employee shall reimburse the City twenty-five percent (25%) of the total cost of assistance for each six (6) month period that remains of the two (2) year term.
3. Firefighters desiring to become paramedics may apply for one-hundred percent (100%) tuition reimbursement and fifty percent (50%) book reimbursement from the City.
 - a. In order to receive this reimbursement, the employee must apply to the Fire Chief and explain in writing why they want to become a paramedic and how it benefits the Fire Department. The Fire Chief will then forward this request to the City Administrator for final approval.
 - b. If assistance is provided, the employee must enter into a contract agreeing that the employee will continue to work full-time for the City for at least four (4) years after receiving assistance. If the employee does not fulfill the requirements of the contract, the employee must reimburse the City for the full amount expended by the City within sixty (60) days after termination of employment. Should the employee leave employment with the City prior to the expiration of the four (4) year term, such employee shall reimburse the City twenty-five percent (25%) of the total cost of assistance for each year period that remains of the four (4) year term.

4. The City Administrator has authority to enter into any agreement on behalf of the City, pursuant to this policy.
5. The employee must obtain a "C" or better grade for the course or training in order to receive reimbursement.
6. All tuition and book reimbursements to the employee will be reported to the Federal Internal Revenue Service (IRS) in accordance with the governing IRS regulations.
7. The City shall pay only once for the tuition and books for a class, course, or training. If for any reason an employee must retake any class, course, or training, all such additional costs shall be at the employee's expense.
8. In the event an employee is called to active military duty during the period covered by their agreement with the City regarding reimbursement of educational assistance, the period of the agreement shall be extended accordingly.
9. Any employee subject to a union contract which covers educational assistance shall defer to their union contract.
10. Neb. Rev. Stat. § 85-2603 and 85-2603.01 allows law enforcement officers and professional firefighters to apply for a waiver of one hundred percent (100%) of the resident tuition charges of any state university, state college, or community college. If the City provided payment or reimbursement for any tuition, books, or related charges that the employee receives a waiver for, then the employee shall reimburse the City up to the value of the waiver received. If the City provided payment or reimbursement for any tuition, books, or related charges and the employee is eligible to participate in the state waiver program then the employee shall participate in said waiver program. Failure of the employee to participate may result in the employee being responsible to reimburse the City for the tuition, books, and related charges paid by the City for the employee's education or training.

RESOLUTION NUMBER 7109

WHEREAS, on December 6, 2021, the City of Beatrice adopted a policy regulating City employees' requests to participate in, or be reimbursed for, training or continuing education conferences, seminars, or meetings (the "Training Policy"); and

WHEREAS, the Mayor and City Council desire to update the Training Policy.

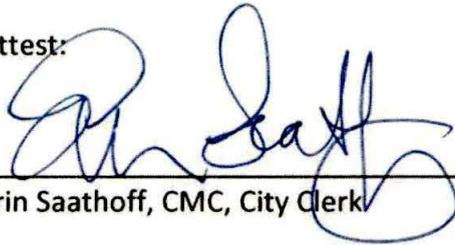
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the **Training Policy**, attached hereto as Exhibit "A" and incorporated herein by reference, be and is hereby approved and adopted.

SECTION 2. That Resolution Number 6815 and all resolutions or parts of resolutions in conflict herewith be and are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 21st day of August, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



TRAINING POLICY

OVERVIEW

The City encourages the development of job skills by allowing participation in available training programs whenever possible and economically feasible. This policy applies to all full-time, or part-time employees of the City of Beatrice, Nebraska. Any employee covered by a union contract shall follow the policies and procedures set forth in their union contract for any requests to participate in, or be reimbursed for, any training or continuing education conferences, seminars, or meetings.

CONFERENCES, TRAININGS, AND MEETINGS

Attendance of City employees at educational conferences, meetings, or seminars, or other educational or training sessions, hereafter referred to as conference, shall require **prior approval by the employee's Department Head or Superintendent or the City Administrator/BPW General Manager** when expenses to the City other than regular salaries and benefits are to be incurred, or when attendance will require the employee's absence from normal work duties.

Employees must complete a Travel Expense Authorization & Reimbursement Request Form to request participating in any training or continuing education and any reimbursement of costs incurred for a conference. The Travel Expense Authorization & Reimbursement Request Form must be submitted to the employee's respective Department Head or Superintendent.

The City shall pay employees, except Fire Captains, for attending conferences, including drive time for the employee driving. Pursuant to the Department of Labor guidelines, time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered as work time.

TRAVEL AND OFFICIAL EXPENSE

(a) Approvals.

Employee travel requires **prior approval** by the employee's Department Head or Superintendent, or the City Administrator/BPW General Manager.

(b) Transportation Reimbursement.

Using a City vehicle for travel on City business is encouraged. Arrangements for use of a City vehicle shall be made through the Department Head, Supervisor, or City Clerk. A City credit card shall be used for fuel costs to the extent possible. If a City vehicle is not available for use, employees using their personal vehicles for City business, will be reimbursed at the same rate as established by the State of Nebraska. Toll road charges, bridge tolls, and parking may be reimbursed, where applicable, in addition to the mileage allowance.

When two (2) or more employees are attending the same conference carpooling should be practiced to the extent possible.

If a City vehicle is being driven to a conference and one (1) or more employees are going to the same conference, no mileage will be paid to employees electing to drive their own vehicle.

If two (2) employees travel to the same destination and take personal vehicles due to personal business, employees will receive half the round-trip mileage.

(c) Rental Cars.

When renting cars, do not elect the leasing company's automobile insurance, the City provides insurance coverage for travelers who rent cars for company business if the employee's insurance does not cover rental expenses. Travelers do not need to purchase the rental firm's insurance. The coverage provided by the City applies only when the employee is the driver. No mileage allowance is permitted for rental cars. Fuel and minor repair expenses, if applicable, are reimbursable with receipts that include the date, amount of purchase, and mileage recorded on the receipt(s).

(d) Local Travel.

Each employee has the personal responsibility of paying the cost of transportation and all related expenses including meals, incurred in getting to and from in town activities. (Examples: Staff meeting at local restaurant where meal is paid by facility but no mileage reimbursement; an educational day at the local Community College; any exceptions for extraordinary situations can be approved by respective supervisor).

(e) Air Travel.

Arrangements for air travel must be pre-approved by the Department Head, Superintendent, or City Administrator/BPW General Manager. The original passenger receipt portion of the ticket must be used for support of air travel expense. In the case of ticketless airlines, the original paid travel invoice that includes the reservation number will be accepted. Travelers are normally expected to utilize coach airfares that meet their travel needs and times. Requests for first class travel must be approved in advance, and be authorized based on the specific facts and circumstances involved.

(f) Weekend Savings.

The employee will be reimbursed for lodging and meal expenses when extending a trip over the weekend to achieve lower airfare. The reimbursement will not exceed the amount of airfare savings and must be pre-approved by the Department Head, Superintendent, or City Administrator/BPW General Manager.

(g) Registration.

The City will pay the full cost of conference and related costs, including banquets, dinners, and luncheons, which are normally included with the registration. A copy of the registration form must be attached to the Travel Expense Authorization & Reimbursement Request form. In order to be reimbursable, registration fees must be supported by a receipt, a copy of attendance or education certificate, or in the absence of either of the first two (2) items, a copy of the registration form.

(h) Meal Allowances.

The City will reimburse meals for employees attending a conference at the request of the City and when said conference occurs over a typical meal time, excluding travel time. The maximum amount of reimbursement will be determined by the U.S. General Services Administration (GSA) Meal and Incidental Expense table for

each city of travel. The amounts set forth in the GSA Meals and Incidental table includes taxes and tip. This table can be found at www.gsa.gov.

Employees will be reimbursed the lesser of the actual cost of the meal or the amount set forth on the GSA Meals and Incidental table. The City will not reimburse employees for any incidentals, nor for any meal provided by the conference or airline. Receipts for payment must be submitted for reimbursement and approved by the Department Head, Superintendent, or City Administrator. Receipts must show the date, eating establishment, and the amount to be reimbursed.

While traveling for work-related travel, only one (1) meal will be allowed when traveling less than ninety (90) miles away from City Hall. When such travel requires traveling more than ninety (90) miles away from City Hall, up to three (3) meals may be allowed. Where the number of meals allowed is ambiguous, employees should consult with their Department Head, Superintendent, or the City Administrator.

(i) Lodging Expense.

The City will pay the actual cost of a standard single or double occupancy room, or other commercial facility. Lodging should be direct bill if possible or a City credit card can be used. Tax exempt status should be used for those applicable departments. A tax-exempt form may be requested from the Finance Director.

Lodging expenses must be supported by a receipt regardless of the cost of the lodging. The hotel (motel, etc.) receipt is sufficient support for the reimbursement if it shows the hotel name and location, the date, and separate amounts for charges such as lodging, meals, and business telephone calls.

Allowed expenses include room and parking if necessary. Personal telephone calls, and personal services (i.e. movie rentals, health clubs, dry cleaning, laundry, and other ancillary goods or services) offered by the hotel/motel are not reimbursable travel expenses and will not be paid by the City.

No allowance is made for reimbursement to employees who do not stay at a motel or commercial facility while traveling on City business, i.e., with relatives, friends, etc.

(j) Personal Travel.

When personal travel coincides with business travel, employees are responsible for any personal expenses incurred and appropriate deductions must be reflected for such expenses.

(k) Other Expenses (taxi, auto rental, garage, parking, checked bags).

Verification of all travel in connection with City business must be attached to the Travel Expense Authorization & Reimbursement Request form.

(l) Receipts.

Original receipts for all costs incurred for business travel (i.e., lodging, meals, transportation, auto rentals) shall be attached to the Travel Expense Authorization & Reimbursement Request form.

EMPLOYEES WORKING MORE THAN EIGHT (8) HOUR SHIFTS

The City shall pay Fire Captains eight (8) hours of straight pay for attending conferences, not including travel time, time spent eating lunches, etc., when the Fire Captain is not scheduled to work the day of the conference.

The City shall pay Fire Captains twenty-four (24) hours of straight pay for attending conferences, not including travel time, time spent eating lunches, etc., when the Fire Captain is scheduled to work the day of the conference or seminar. The Fire Captain is expected to return to the Fire Station for the remainder of his/her shift after attending a conference or seminar, unless excused by the Fire Chief.

RESOLUTION NUMBER 7128

WHEREAS, on or about January 20, 1992, the City of Beatrice adopted an Americans with Disabilities Act (“ADA”) Policy and Grievance Policy providing for reasonable accommodations and the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA; and

WHEREAS, the Mayor and City Council for the City of Beatrice desire to update its ADA Policy and Grievance Procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

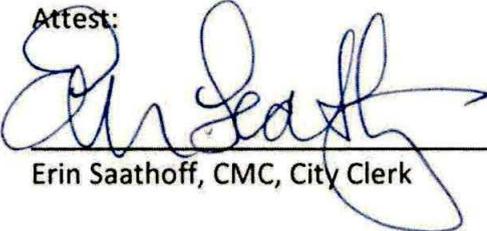
SECTION 1. That the Mayor and City Council of the City of Beatrice hereby adopts the **Reasonable Accommodation Policy**. A copy of said Reasonable Accommodation Policy is attached hereto, marked as Exhibit “A”, and is incorporated herein.

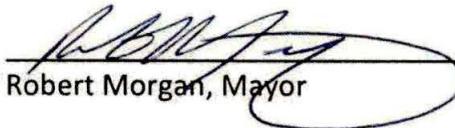
SECTION 2. That the Mayor and City Council of the City of Beatrice hereby adopts the **ADA Grievance Policy**. A copy of said ADA Grievance Policy is attached hereto, marked as Exhibit “B”, and is incorporated herein.

SECTION 3. That Resolution Number 3684 and any and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 18th day of September, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



REASONABLE ACCOMODATION POLICY

I. Purpose

The purpose of this Reasonable Accommodation Policy ("Policy") is to ensure that reasonable accommodations are made, whenever possible to disabled applicants and employees within the meaning of the Nebraska Fair Employment Practice Act (Neb. Rev. Stat. § 48-1101 et. seq.), the Americans with Disabilities Act (42 U.S.C. § 12101, et. seq.), and any and all other applicable laws, rules, and regulations. To further this goal, the City of Beatrice, ("City") shall engage in good-faith interactive processes with applicants and employees determined to be in need of, or requesting a reasonable accommodation.

II. Scope

This policy applies to all applicants for employment and all current employees of the City.

III. Definitions

A. Direct Threat: No accommodation is required if the accommodation request would place the employee/applicant in imminent and substantial danger, or if the accommodation would place others in substantial danger and no Reasonable Accommodation exists that would remove or reduce the danger.

B. Disability: A disability is a condition that imposes a substantial limitation on a major life activity. By way of example, "major life activities" include, but are not limited to, standing, sitting, walking, lifting, talking, interacting with others, eating, breathing, hearing, seeing, speaking, working, and learning. Disability also means a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness, or visual impediment, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions, or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability also means AIDS or HIV infection.

Disability shall not include homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender-identity disorders not resulting in physical impairments, other sexual behavior disorders, problem gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs.

- C. Employee:** Employee means an individual employed by the City of Beatrice, Nebraska.
- D. Employer:** Employer means the City of Beatrice, Nebraska.
- E. Essential Functions:** Essential functions are the basic job duties that an employee must be able to perform, with or without Reasonable Accommodation. Factors to consider in determining if a function is essential include: whether the reason the position exists is to perform that function, the number of other employees available to perform the function or among whom the performance of the function can be distributed, and the degree of expertise or skill required to perform the function.

The employer's judgment as to which functions are essential, and a written job description prepared before advertising or interviewing for a job will be considered as evidence of essential functions. Other kinds of evidence that will be considered include: the actual work experience of present or past employees in the job, the time spent performing a function, the consequences of not requiring that an employee perform a function, and the terms of a collective bargaining agreement.

- F. Good Faith:** Good faith means that the City and the applicant or employee must communicate directly with each other to determine essential information and that neither party can delay or interfere with the process. To demonstrate good faith engagement in the interactive process, the City should be able to point to cooperative behavior that promotes the identification of an appropriate accommodation.

G. Healthcare Provider: Healthcare Provider means:

- i. A doctor of medicine or osteopathy who is authorize to practice medicine or surgery by the State of Nebraska;
- ii. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another county, who directly treats or supervises treatment of a serious health condition;
- iii. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spin to correct a subluxation as demonstrative by an X-ray to exist) authorize to practice in Nebraska, and performing within the scope of their practice as defined under Nebraska law.
- iv. Nurse practitioners and nurse-midwives and clinical social workers who are authorize to practice under Nebraska law and who are performing within the scope of their practice as defined under Nebraska law.
- v. Any healthcare provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

- H. Illegal Use of Drugs:** Illegal use of drugs shall mean the use of drugs, the possession or distribution of which is unlawful under the Uniform Controlled Substances Act, but shall not include the use of a drug taken under supervision by a licensed health care professional or any other use authorized by the Uniform Controlled Substances Act or other provisions of state law.

- I. **Interactive Process:** Interactive Process includes the consulting with the employee to ascertain the precise job-related limitations or and how they could be overcome with a reasonable accommodation; and identifying potential accommodations and assessing their effectiveness. Whenever possible, face-to-face interaction is preferred and recommended. Although the preferences of the employee in the selection of the accommodation should be considered, the accommodation implemented should be one that is most appropriate for the employee and employer.
- J. **Qualified Individual:** Qualified individual means an applicant or employee with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. Consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

Qualified individual shall not include any applicant or employee who is currently engaged in the illegal use of drugs when the Employer acts on the basis of such use.

Nothing in this subsection shall be construed to exclude a qualified individual who: (i) has successfully completed a supervised drug rehabilitation program or otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; (ii) is participating in a supervised rehabilitation program and is no longer engaging in such use; (iii) is erroneously regarded as engaging in such use but is not engaging in such use.

- K. **Reasonable Accommodation:** Reasonable accommodation, with respect to disability, shall include, but is not limited to, making existing facilities used by employees readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training manuals, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. Reasonable accommodation, with respect to pregnancy, childbirth, or related medical conditions, shall include acquisition of equipment for sitting, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light-duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for breast-feeding or expressing breast milk.

The Employer is not required to lower quality or production standards, provide personal use items (such as glasses), create new positions, displace (lay-off or bump) other employees. No accommodation is required if the Essential functions of the job cannot be performed, if the employee poses a direct threat to him/herself, or co-workers or if the accommodation would create an undue hardship for the City.

- L. **Timely:** The Equal Employment Opportunity Commission require that decisions as to the ability to provide Reasonable Accommodation be made timely. The Equal Employment

Opportunity Commission established internal guidelines for themselves which gives the decision-maker fifteen (15) to twenty (20) calendar days from the receipt of a request for Reasonable Accommodation(s) to make a determination. Although this is only an internal guideline for that organization, it is the goal of the City to adhere to this timeline whenever possible.

M. Undue Hardship: Undue hardship, with respect to an accommodation for a disability, means an action requiring significant difficulty or expense, when considered in light of the following factors:

- i. the nature and cost of the accommodation requested or needed;
- ii. the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- iii. the overall financial resources of the City; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- iv. The type of operation or operations of the City, including the composition, structure, and functions of the work force of the City, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the City.

IV. Employee/Applicant's Request for Reasonable Accommodation

A. Applicant Request for Reasonable Accommodation. The City requires all applicants requesting Reasonable Accommodation(s) to complete and submit to the City Clerk the City's Accommodation Request Form. All applicants requesting Reasonable Accommodation(s) are required to submit certification of disability status from a healthcare provider at the applicant's own expense. If the applicant is determined to be disabled, the request will be processed, and a decision made as to the reasonableness of the applicant's request. If the applicant is determined not to be disabled or the request cannot be fulfilled, the applicant will be contacted by the City Clerk and discussion will occur relating to the specifics of the City's determination. Disabled applicants who successfully complete the application process, and are being considered for employment, will be provided with Reasonable Accommodation through a good-faith interactive process.

B. Employee Request for Reasonable Accommodation. Any employee or temporary agency employee that believes they are a Qualified Individual and in need of Reasonable Accommodation(s) are to inform their respective Department Head and the City Clerk of their need in writing. Once such need is expressed in writing, the City Clerk shall ensure that the employee has been provided with a copy of this policy and all other necessary forms to process the request. The employee shall provide the City Clerk with a completed Accommodation Request Form. The employee may request assistance from department personnel to complete the required form. The employee assumes the cost of obtaining the any certifications of any disability and/or need for Reasonable Accommodation. If it is determined that the employee is a Qualified Individual, then the employee will be

engaged in the Interactive Process to determine all possible options to provide Reasonable Accommodation.

- C. Disability and Disciplinary Interconnection.** Employee conduct resulting from a disability is part of the disability and not a separate basis for termination or discipline. If the City is made aware of a disability or perceives an employee to have a disability that may be contributing to a performance issue, the employer shall address the possible connection. This shall be done by engaging with the employee to determine if they have a protected disability. If so, the Employee shall engage with the disabled employee to ascertain if any accommodations are possible that might mitigate the negative behavior/actions.

V. Interactive Process.

After the City receives the applicant or employee's request for Reasonable Accommodation, the City shall provide the applicant or employee with all other necessary forms to process the request. The applicant or employee shall be required to submit to the City Clerk the Certification of Health Provider for Reasonable Accommodation Request Form, determining that the applicant or employee is disabled. The City shall arrange for a discussion or multiple discussions with the employee and his or her representatives, if any.

The purpose of this discussion is to work timely and in good faith to fully discuss all feasible potential Reasonable Accommodation(s) and the duration of the need for Reasonable Accommodation(s).

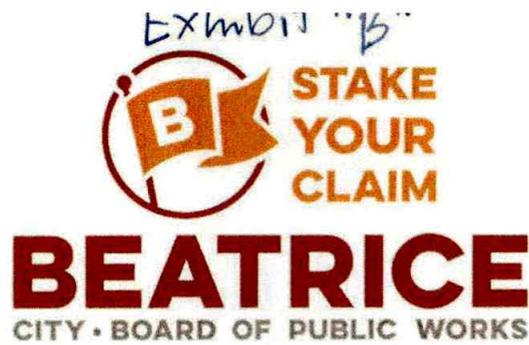
Once all necessary information and documentation is submitted to the City, the City shall timely notify the applicant or employee of its determination for Reasonable Accommodation.

VI. Length of Reasonable Accommodation.

Qualified Individuals may be provided with short-term/temporary or long-term accommodation depending on the medical certification listing the need. Any accommodation, regardless of the length of time it has been provided, can be revisited should the Qualified Individual or the City believe that the accommodation is no longer effective or safe, or if the accommodation imposes Undue Hardship.

VII. Case-by-Case Determination.

The City determines, in its sole discretion, whether Reasonable Accommodation(s) can be made, and the type of accommodation(s) to provide. The City shall not provide accommodation(s) that would pose an undue hardship upon the City's finances or operations, or that would endanger the health or safety of the applicant, employee, or others. The City shall inform the employee of its determination as to Reasonable Accommodation(s) in writing.



ADA GRIEVANCE POLICY

I. Purpose

The purpose of this ADA Grievance Policy ("Policy") is to ensure compliance with the Americans with Disabilities Act (42 U.S.C. § 12101, et. seq.). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of a disability in the provision of services, activities, programs, or benefits by the City of Beatrice ("City").

II. Scope

This policy applies to all applicants for employment and all current employees of the City.

III. Definitions

A. ADA Coordinator: ADA Coordinator shall mean the City Clerk.

B. Disability: A disability is a condition that imposes a substantial limitation on a major life activity. By way of example, "major life activities" include, but are not limited to, standing, sitting, walking, lifting, talking, interacting with others, eating, breathing, hearing, seeing, speaking, working, and learning. Disability also means a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness, or visual impediment, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions, or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability also means AIDS or HIV infection.

Disability shall not include homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender-identity disorders not resulting in physical impairments, other sexual behavior disorders, problem gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs.

C. Employee: Employee means an individual employed by the City of Beatrice, Nebraska.

D. Employer: Employer means the City of Beatrice, Nebraska.

IV. Grievance Procedure.

- A. Any applicant or Employee who believes that he or she has been discriminated against on the basis of disability or that there is otherwise noncompliance with the Americans with Disabilities Act shall submit all complaints regarding access or alleged discrimination in writing to the ADA Coordinator for resolution.
 - i. The complaint shall be in writing and contain information about the alleged discrimination such as the name, address, and phone number of the complainant, and the location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.**
 - ii. Complaints must be submitted no later than sixty (60) calendar days after the alleged violation.****
- B. Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator shall meet with the complainant to discuss the complaint and the possible resolutions.**
- C. Within fifteen (15) calendar days after said meeting, the ADA Coordinator shall respond in writing, and where applicable, in a format accessible to the complainant, such as large print, Braille, or audio tape. Said response shall explain the position of the City and offer options for substantive resolution of the complaint.**
- D. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after receipt of the response to the City Administrator.**
- E. Within fifteen (15) calendar days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the City Administrator shall respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.**
- F. A record of the complaint and action taken will be maintained by the ADA Coordinator.**
- G. All written complaints received by the ADA Coordinator, appeals to the City Administrator, and responses from therefrom shall be retained by the City for at least three (3) years.**
- H. The complainant's right to prompt and equitable resolution of the complaint is not impaired by his or her pursuit of other remedies such as filing a complaint with the Nebraska Equal Opportunity Commission, the U.S. Department of Justice, state or federal District Court, or any other appropriate agency, governmental entity, or court of competent jurisdiction. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.**

RESOLUTION NUMBER 7295

WHEREAS, the City of Beatrice complies with all federal, state, and local equal employment opportunity laws and makes every effort to ensure that it does not discriminate against employees and applicants.

WHEREAS, the Mayor and City Council of the City of Beatrice wish to establish policy guidelines regarding equal employment opportunity laws for the City's employees and applicants.

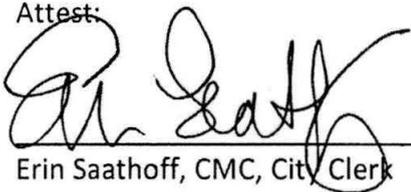
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the "Equal Employment Opportunity Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 6th day of May, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



CITY HALL
400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER
500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Beatrice complies with all federal, state, and local equal employment opportunity laws. In all hiring and employment practices, the City makes every effort to ensure that it does not discriminate against employees and applicants. This policy addresses the City's commitment to providing equal employment opportunity (EEO) for all employees and applicants and to promoting diversity in the workplace.

The City complies with all laws prohibiting discrimination against employees and applicants based on race, color, religion, sex, sexual orientation, gender identity, gender expression, age, national origin, citizenship status, disability, genetic information, or veterans' status.

Equal opportunity extends to all aspects of the employment relationship, including hiring, promotions, training, working conditions, compensation, and benefits.

COMPLAINT PROCEDURES

If employees or applicants believe that they have faced discrimination or if employees or applicants are aware of any actual or suspected workplace conduct that could be regarded as discriminatory, they should report such conduct immediately to the attention of their supervisors, management staff, City Administrator/General Manager, City Attorney, or City Clerk.

The City investigates all discrimination complaints promptly and supports employees' cooperation with investigations. Anyone involved in reporting EEO violations or in investigations of EEO complaints can expect confidentiality to the full extent afforded by law. Any information obtained during investigations also is kept confidential to the full extent possible under law.

INFORMAL DISPUTE RESOLUTION

Where appropriate, informal resolution of discrimination complaints is used. Such an approach can include counseling those who commit discrimination or serving as a mediator between the two (2) parties.

When a discrimination complaint cannot be resolved informally, a written report of the investigation that includes recommendations for further action is prepared and delivered to the City Administrator/General Manager. Recommendations can include discipline for those who commit discriminatory actions and restoration of the terms, conditions, or opportunities that were lost or denied employees or applicants because of discrimination.

ANTI-RETALIATION

The City ensures that employees and applicants who complain about discrimination, oppose any discriminatory practice, or participate in investigations of such complaints are protected against retaliation. The City does not discourage or obstruct employees and applicants from filing complaints with the federal Equal Employment Opportunity Commission or state or local EEO agency.

Employees also are protected against retaliation for talking about discrimination in response to questions that come up during internal investigations. No adverse employment actions are taken against employees and applicants who file EEO complaints, oppose discriminatory actions, or participate in investigations of such complaints.

DISCIPLINE

All employees, including supervisors and managers, who engage in discriminatory conduct or harassment are subject to immediate disciplinary action, up to and including termination.

COMMUNICATIONS

All government nondiscrimination posters and City's EEO policies are displayed permanently in conspicuous locations in all facilities and on the City's employee portal. Notices, advertisements, forms, job descriptions, and other specifications relating to employment do not indicate any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, gender expression, age, national origin, citizenship status, disability, genetic information, or veterans' status.

RESOLUTION NUMBER 7163

WHEREAS, the Mayor and City Council previously adopted a policy concerning the federal Family and Medical Leave Act of 1993, as amended (“FMLA”); and

WHEREAS, the Mayor and City Council find and determine that it is in the best interests of the City to revise the City’s policy concerning **FMLA**.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

SECTION 1. That the City of Beatrice shall grant family and temporary medical leave under certain circumstances, as required by the Family and Medical Leave Act of 1993, as amended.

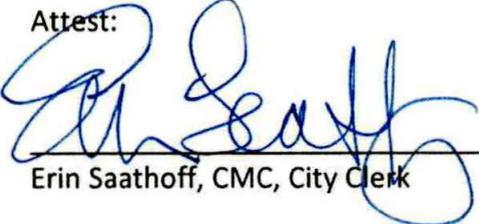
SECTION 2. That the City of Beatrice implements the following conditions on FMLA leave, as permitted, but not required, by the Federal Medical Leave Act:

1. If an employee does not choose to substitute accrued paid leave, the City may require the employee to substitute accrued paid leave for unpaid FMLA leave. The period of time during which the employee receives pay for accrued leave shall still count towards the twelve (12) total weeks of job-protected FMLA leave allowed.
2. Holiday pay, vacation leave, and sick leave are not earned during unpaid FMLA leave. Workers’ compensation insurance, contributions for retirement plans, and social security contributions are also discontinued during unpaid FMLA leave.
3. Spouses who are eligible for FMLA leave and are both employed by the City/BPW may be limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.
4. An employee on FMLA leave, whether paid or unpaid, may not accept and/or engage with any other employer, without prior written approval from the City Administrator. The City shall have the right to discharge, demote, suspend, fine or otherwise discipline employees for violation of this section.
5. An employee may use accrued sick leave, personal leave, vacation leave, and compensatory time concurrently with FMLA leave. An employee may use up to one hundred twenty (120) hours of compensatory time while on FMLA leave.

SECTION 3. That Resolution 6854 and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 6th day of November, 2023.

Attest:



Erin Saathoff, CMC, City Clerk



Robert Morgan, Mayor

RESOLUTION NUMBER 6330

WHEREAS, public trust, safety, and City morale require that the City of Beatrice maintain a policy that ensures a sense of fairness to the general public, as well as internal employees when it comes to the relationships of its employees.

WHEREAS, the Mayor and City Council of the City of Beatrice wish to establish policy guidelines prohibiting nepotism amongst City of Beatrice and Board of Public Works employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

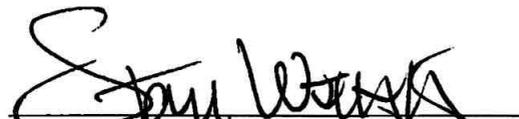
SECTION 1. That the "Nepotism Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 4. That any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 17th day of December, 2018.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



**STAKE
YOUR
CLAIM**

Exhibit "A"

BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

NEPOTISM POLICY

Public trust, safety, and City morale require that the City maintain a policy that ensures a sense of fairness to the general public, as well as internal employees when it comes to the relationships of its employees.

Full time employees who are members of the same family are eligible for City employment provided that the second family member employed shall not be hired by the previously employed family member. Such decision to hire should come from a higher level of administration, including but not limited to, the City Administrator/BPW General Manager, the Board of Public Works, the Mayor, or the City Council.

Additionally, when members of the same family are employed by the City/BPW, one family member shall not be put in a supervisory position over the other family, unless approval has been obtained by City Administration/BPW General Manager. Emergency situations may warrant temporary exceptions to this provision.

For purposes of defining this policy, family members shall include: spouse, children, grandchildren, stepchildren, parents, grandparents, siblings, and in-laws of the same relation.

Adopted December 17, 2018
Resolution Number 6330

RESOLUTION NUMBER 6331

WHEREAS, the City of Beatrice is committed to providing a work environment that is free from all forms of discrimination; and

WHEREAS, the Mayor and City Council of the City of Beatrice desire to implement a policy forbidding discrimination in any form; sexual or otherwise.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

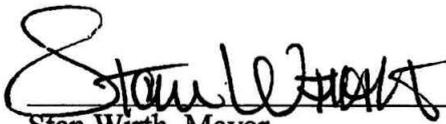
SECTION 1. That the “Sexual and Other Unlawful Harassment Policy”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 17th day of December, 2018.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



**STAKE
YOUR
CLAIM**

BEATRICE
CITY • BOARD OF PUBLIC WORKS

Exhibit "A"

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SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY

The City is committed to providing a work environment that is free from all forms of discrimination and will not tolerate disruptive actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic or any other conduct that could be considered harassing or coercive. This policy protects City employees, job applicants, contractors, supervisors, customers, or any other third party. All persons are to be treated equally, with dignity and respect.

Sexual harassment is defined as unwanted sexual advances, or any visual, verbal, or physical conduct of a sexual nature. This form of employee misconduct undermines the integrity of the workplace and will not be tolerated. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances - physical or verbal;
- Offering employment benefits in exchange for sexual favors;
- Making threats after a negative response to sexual advances; and
- The use of derogatory comments, epithets, slurs, or jokes.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, it must be reported immediately to his/her Department Head or Superintendent, or the City Administrator/BPW General Manager. All allegations of sexual harassment will be quickly and discreetly investigated. Any Department Head or Superintendent who becomes aware of possible sexual or other unlawful harassment is to report it immediately to the City Administrator/BPW General Manager. If the City Administrator/BPW General Manager is not available, then report it to the City Attorney. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination

Retaliation against someone that makes a complaint of harassment is strictly forbidden. An employee that feels that they have been retaliated against for coming forward with a complaint should make their Department Head, Superintendent and the City Administrator/BPW General Manager aware of it immediately. Should the City Administrator/BPW General Manager be unable to handle the complaint, it should be forwarded to the City Attorney.

Adopted December 17, 2018
Resolution Number 6331

RESOLUTION NUMBER 7309

WHEREAS, the Mayor and City Council of the City of Beatrice find and determine that it is in the best interests of the City to adopt a policy to provide guidelines regarding City owned cell phones and City provided stipends for personally owned cell phones.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

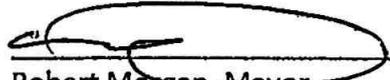
SECTION 1. That the "Cell Phone Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution Number 6327 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 20th day of May, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



CELL PHONE POLICY

OVERVIEW

The purpose of this policy is to provide guidelines regarding City owned cell phones and City provided stipends for personally owned cell phones. The use of either City owned or personal cell phones comes with issues of taxation, privacy, and convenience. Some employees maintain both a personal and a business cell phone. However, even an inadvertent receipt of a personal call on a city phone is considered a taxable event and might be contrary to state law. We recognize the inconvenience of carrying two cell phones, as well as the inconvenience of having to maintain elaborate records of personal and business use of a city phone. We have constructed this policy to protect the City and its employees as well as to reduce the inconvenience as much as possible.

According to the Internal Revenue Service (IRS), the cost of communication equipment and services used by an employee off-premises is excludable from the employee's gross income to the extent that its use is substantiated as business related. To the extent that the use is personal, the cost is includable in the employee's gross income and therefore taxable.

The IRS requires detailed recordkeeping prove the communication equipment and services were used for business purposes. On the other hand, if a taxable allowance for mobile communication devices is provided, no detailed recordkeeping is required.

POLICY

This policy shall apply to employees of the City of Beatrice, Nebraska (City) that require communication device(s) to carry out the goals and objectives of the City in the performance of their job duties. It shall be the policy of the City to: (1) purchase and provide a City owned cell phone; or (2) provide a taxable monthly stipend for City related use of an employee's personal cell phone. The City Administrator/General Manager shall determine the need and communication level of each employee to carry out the goals and objectives of the City in the performance of their job duties.

The City Administrator/General Manager shall approve the use of a communication device(s) to conduct city business in one of two ways:

- 1) CITY PROVIDED CELL PHONE
 - a. Cell phone and service are property of the City.
 - b. Employees shall only use a City cell phone to carry out the goals and objectives of the City.
 - c. The City incurs no additional costs from cell phones that are subject to a fixed price charge. Therefore, reasonable and incidental unofficial use of a City owned cell phone is permissible.

EXHIBIT "A"

d. Disproportionate or inappropriate use of a City owned cell phone for personal reasons may result in disciplinary action including termination.

2) EMPLOYEE PROVIDED CELL PHONE

- a. Personal use of cell phones while on duty shall be kept to a minimum.
- b. City shall provide a taxable monthly stipend for City related use of an employee's personal cell phone.
- c. City shall provide the following taxable monthly stipend based on the business-related need:
 - i. Data and voice cell phone and service plan authorized and deemed necessary by City Administrator/General Manager at a rate of \$50.00/month.
 - ii. Voice cell phone and service plan authorized and deemed necessary by City Administrator/General Manager at a rate of \$25.00/month.
- d. Employees shall be responsible for cell phone cost and fees including overages, associated with maintaining a personal cell phone.
- e. Employee shall maintain constant and consistent cell phone service at all times.

EMPLOYEE RESPONSIBILITIES REGARDING CITY OWNED CELL PHONES

- 1) Employee shall take reasonable measures to protect the City owned cell phone from theft, loss, or damage.
- 2) Employee shall immediately report the loss or theft to the City Administrator/General Manager.
- 3) All texts, emails, and voicemails on a City owned cell phone are subject to the Public Records Law and must be retained in accordance with appropriate retention period as set forth by state law.
- 4) Employees shall immediately return the City owned phone to the City Administrator/General Manager if it is determined that the phone is no longer necessary, is defective, or upon leaving employment with the City.
- 5) Employees have no right to privacy with respect to the use of City owned cell phones. The City reserves the right to review all usage of City owned cell phones including any and all voicemails, social media messaging, emails, text messages, call history, and/or other information stored on the cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect any and all City owned cell phones used by employees for such information at any time and without notice.

EMPLOYEE RESPONSIBILITIES REGARDING EMPLOYEE-OWNED CELL PHONES

- 1) All texts, emails, and voicemails relating to City business on an employee-owned cell phone are subject to the Public Records Law and must be retained in accordance with appropriate retention period as set forth by state law.
- 2) Employee is encouraged to text and make personal calls during non-working hours when possible and ensure family members and friends are aware of this policy to discourage impact on employee or co-worker performance or safety.

RESOLUTION NUMBER 7310

WHEREAS, the Mayor and City Council of the City of Beatrice find and determine that it is in the best interests of the City to adopt a policy to define the acceptable use of Technology at the City of Beatrice and to ensure the City complies with all legally mandated requirements.

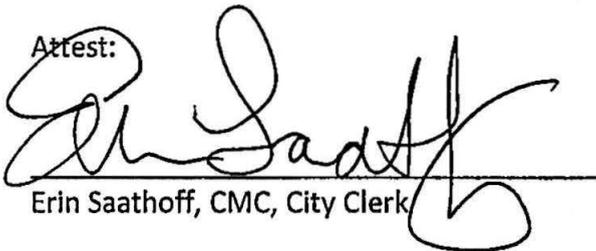
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the "Employee Technology Usage Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution Number 6327 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 20th day of May, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



BEATRICE

CITY • BOARD OF PUBLIC WORKS

EMPLOYEE TECHNOLOGY USAGE POLICY

PURPOSE

The intent of the Employee Technology Usage Policy is to define the acceptable use of Technology at the City of Beatrice (City) and to ensure the City complies with all legally mandated requirements. It outlines the responsibilities of those who work for and on behalf of the City in contributing to the maintenance and protection of its information resources in a secure, stable and cost-effective manner. This policy is consistent with the intent and requirements of the City's work policies and rules.

POLICY SCOPE

The Employee Technology Usage Policy defines the oversight, use and protection of the City's computing equipment, network, voice, electronic communications, and data repositories. This includes the acquisition, access and use of all software, hardware, and shared resources, whether connected to the network, configured off the network, or while in transit (mobile).

It applies to all those who work on behalf of the City, including but not limited to, employees, contractors, consultants, supplementals, interns, volunteers and other workers including all personnel affiliated with third parties. This policy also applies to all equipment that is owned or leased by the City regardless of project and program funding sources.

ACQUISITION OF TECHNOLOGY RESOURCES

The Information Technology (IT) Department must evaluate and approve all software, hardware, removable devices, and related maintenance and support contracts, whether the selected products or solution will be on the network or off; used by one or many people; and for all program and project funding sources. In addition, acquisition of Technology resources should conform to existing purchasing policies and procedures as defined by the IT Department. Most City-owned Technology has a pre-determined lifecycle replacement period and must be surrendered for replacement on a 1:1 basis or retired, according to that schedule. Such Technology may not be redeployed or otherwise put back into use without approval from the IT Department.

ACCESS TO THE CITY'S TECHNOLOGY RESOURCES

- The IT Department must approve the setting up of new user accounts.
- Users are responsible to establish and maintain passwords consistent with the City's standards.
- User accounts and ALL passwords may not be shared with anyone other than the named owner and City IT employees. Examples include co-workers, subordinates, business associates, household members, etc.

EXHIBIT "A"

- The individual logged onto the City network must be present while the logon credentials are being used to access Network resources, or must ensure that the account is locked or logged off and not being used by others when not present.
- IT Department must approve connection of ANY devices using the City's internal network.
- Information Technology must approve installation of all software, freeware and software that is obtained for evaluation purposes.
- Any software or files downloaded via the Internet into the City's network become the property of the City. Any such files or software may be used only in ways that are consistent with their licenses and/or copyrights.
- Direct secure (peer-to-peer) connections are provided only in unique circumstances, requiring prior approval from the IT Department.
- Information Technology must be consulted during the *infancy* stages of major projects pertaining to or including IT equipment and/or software.
- Connection or installation of personally owned hardware or software within the City-provided infrastructure (i.e. network, Internet, fax lines, telephone lines, and printers) is not allowed.
- All activity resulting from device, network or software application access is the responsibility of the person assigned the user account.

REMOTE ACCESS TO CITY SYSTEMS

Remote access to certain City systems, applications, and data is maintained for selected employees. City remote access systems require a high level of application and user maintenance as well as monitoring. In addition, they significantly increase the security risks associated with outside access to applications and data. Remote access systems are therefore restricted only to those City employees who show a demonstrated necessity to access data or applications while away from City facilities and ONLY for City business. Remote access will not be granted for convenience. Users who do not regularly utilize remote access systems may be removed as Remote Access Users. Use of remote access for other than official business will result in immediate removal as a remote user and, if appropriate, disciplinary action.

a. Authorization Required

Prior to use by any City employee, the appropriate City employee must submit a written request to the IT Department identifying the user and stating what business necessity exists requiring the potential user to utilize remote access. Permission will be based on demonstrated need and subject to the criteria listed below.

INTERNET USAGE

- Use of the Internet should be consistent with City policies and work rules. Incidental personal use of City resources is allowed as defined in the paragraph Incidental Personal Use. Visiting, referencing, downloading and/or storing materials that are inappropriate in a work environment is prohibited unless such activity is specifically related to your employment with the City. Examples include but are not limited to data from sexually explicit sites, and those associated with violence, hate crimes or illegal activities.
- Content and images posted on the City's website, file transfer protocols (FTP), Cloud, or Social Media sites should be consistent with the City's policies and practices and should conform to professional standards in tone and format.

EXHIBIT "A"

- Monitoring and Reporting of Internet Use - It is the responsibility of Department Heads to monitor and audit Internet web use within their department. Because there is the potential for employee abuse of the system, the City may monitor and record user access to Internet sites. No user should have the expectation of privacy as to his/her Internet usage.
- All information that is posted, copied or shared, either on the City's servers and desktops or on the City's website or Social Media sites, must be done so in accordance with the laws that govern copyrighted materials including, but not limited to, photographs, magazines, books, copyrighted music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of "pirated" software.
- Web usage that significantly impacts network bandwidth may be restricted. Individuals should utilize only the City's tools and recommended best practices to manage their connections when viewing, downloading, sharing and printing information to ensure that these shared resources are not negatively impacted.

MOBILE DEVICES

All mobile devices, whether City-owned or personal, that have access to systems and applications are governed by this policy. Applications, including cloud storage software used by staff on their own personal devices may also be subject to this policy. The following general procedures and protocols apply to the use of mobile devices:

- All City-owned mobile computing devices must be protected with a password required at the time the device is powered on.
- Personal mobile computing devices that require network connectivity must conform to City standards for use and configuration.
- Mobile Device Management (MDM) will be used to enforce common security standards and configurations on City-owned devices.
- City-owned mobile devices will have location services enabled at all times.
- Unattended mobile computing devices shall be physically secured .
- Lost and stolen devices will be locked and location services will be used to locate the device. If the device cannot be located, it will be wiped of all information.

Information Technology shall implement procedures and measures to strictly limit access to sensitive data moving to and from mobile computing devices since these devices generally pose a higher risk for incidents than non-portable devices.

CELL PHONE USE

Please refer to the City's Cell Phone Policy for guidelines.

E-MAIL COMMUNICATIONS

- The electronic mail system is intended for business purposes. Electronic mail communications constitute public records and the City has the right to access or monitor messages for work- related purposes, security, or to respond to public record requests. All messages should be composed with the expectation that they are public. Refrain from using your City email address for anything other than official business.

EXHIBIT "A"

- Users shall have no expectation of privacy in email messages, whether they are business related or allowed personal use as provided herein. Use of electronic mail shall be considered consent to City Officials, managers, and other employees to inspect, use, or disclose any electronic mail or other electronic communications and/or data.
- Use of Non-City Email Accounts - Non-City email accounts (like MSN, Yahoo!, Gmail, Hotmail, etc.) may not be used to conduct City business. Likewise, a non-City email account may not be forwarded to a City email account.
- Transmission of Confidential Information - Confidential material must be encrypted before transmission.
- E-mail communications will conform to the same professional standards as with written and verbal business correspondence. A professional tone should prevail and content will be consistent with and representative of the City's policies and practices.
- Use of personal email (like MSN, Yahoo!, Gmail, Hotmail, etc.) is prohibited on City-owned Technology.

INTELLECTUAL PROPERTY, PRIVACY AND MONITORING

There is no right to privacy in the course of using the City's Technology resources, whether conducting City business or for incidental personal use. The City owns all data stored on its network and peripheral devices and reserves the right to inspect and monitor any and all such use at any time (examples include e-mail, voicemail, Internet usage, computers, laptops, cell phones, etc.). The City may conduct requested audits in order to ensure compliance with its policies and requirements, to respond to public disclosure requests, investigate suspicious activities or security threats, or to fulfill legally mandated requirements (i.e. software license rules, Payment Card Industry (PCI) regulations, and the Health Insurance Portability and Accountability Act (HIPAA) requirements), Criminal Justice Information Services (CJIS).

INCIDENTAL PERSONAL USE

The City's Technology resources using an Internet web browser are City property and intended for use to conduct City business by its authorized employees, contractors, consultants, , supplementals, interns, volunteers and other workers including all personnel affiliated with third parties; hereafter referred to as the user. Limited personal use is permitted as long as it does not result in a cost to the City, does not interfere with the responsibilities and fulfillment of job duties, is brief in duration and frequency, does not distract from the conduct of City business and does not compromise the security or integrity of City information or software. As noted previously, there is no right to privacy in the course of using the City's Technology resources, whether for City business or incidental personal use.

a. Permissible Use

Personal use of City-owned devices while on duty shall be kept to a minimum. Downloading personal email to the City's system or attaching a personal email box is prohibited.

b. Prohibited Uses

A prohibited use is any use related to the conduct of an outside business; a use for the purposes of supporting, promoting, or soliciting for any non-City sponsored outside organization or group; soliciting funds for any purpose; or religious activity, campaign or political use; commercial use; posting to or buying from online auction or sales sites; use to conduct illegal activities; any entertainment uses; and/or uses which result in the City being placed on electronic mailing lists related to prohibited uses. . The IT Director and City Administrator have the authority to make an exception on a case-by-case basis.

SECURITY, STORAGE, AND PROTECTION

Effective security requires the participation and support of every user in the organization. The City employs enterprise tools to manage, monitor and protect the organization from internal and external security threats and data loss. In addition to these measures, it is the responsibility of individuals to remain vigilant in their awareness and protection of the City's resources, including equipment and data they have access to and while in their possession. Specific due diligence requirements are outlined below:

- City devices and computer equipment must be logged out or "locked" when unattended. This also includes a screen lock on City-owned mobile devices.
- All users must log off of their pc and leave it powered on at the end of their shift to enable off- shift maintenance and security updates.
- Intruding or attempting to intrude into any gap in the system or network security is prohibited. Sharing of information with others that facilitates their unauthorized access to the City's data, network or devices, or their exploitation of a security gap is also prohibited.
- It is the responsibility of each individual to prevent unauthorized and indiscriminate access to "personal information" (see Definitions) that could pose the threat of identity theft, thus risking a person's privacy, financial security and other interests.
- As noted above, user accounts and passwords may not be shared. The individual logged onto the City network must be present while logon credentials are being used to access Network resources
- In general it is not permissible to download "personal information" to any removable/portable device, including laptop computers, unless access to that information is within the scope of your job, your manager has approved the copy of information to a portable device and the data or device is encrypted. Please see the City's Personal Information Security policy for further information.
- Transmitting confidential data in part or full via e-mail or other unencrypted medium is prohibited.
- Leaving personal, sensitive or confidential information exposed to view while unattended, either on paper or on screen, is prohibited.
- Whenever possible, laptop and desktop hard drives and removable devices should only contain copies of source files, not the original file.
- Individuals must report to the City any equipment, software or data that is lost, damaged or stolen at their first available opportunity. Reports will be made to a supervisor, manager, or director. Unrecoverable equipment may incur additional replacement costs.
- Lost equipment, especially that containing sensitive or confidential information as defined here, including building access cards, must be reported immediately to the I.T. Staff.
- Stolen computers, laptops, thumb drives, smart phones, etc. must be reported immediately to the Police Department at 402-228-4080 **AND** to the IT Department.
- Storage of any copyrighted material on a network server or local hard drive including, but not limited to, photographs from magazines, books or other copyrighted sources, copyrighted music, the installation of any copyrighted software for which the City or end user does not have an active license, or the installation of "pirated" software is strictly prohibited.

REPORTING AND ADMINISTRATION

Anyone who observes or suspects a violation of these policies and requirements, or a potential gap in security or protection of the City's assets or data, should immediately report these to their Department Head. Violations may result in disciplinary actions up to and including termination of employment. Requests for exceptions to

EXHIBIT "A"

any of the Technology Usage Policy definitions must be submitted in writing from Department Heads to the IT Director. Exceptions require the approval of both the requesting department's director and the IT Director. Approvals must be documented in writing and limited in duration to provide for periodic re-evaluation.

RESOLUTION NUMBER 6325

WHEREAS, the use and presence of social media has drastically increased over recent years; and

WHEREAS, the Mayor and City Council desire to implement a policy to provide guidelines for social media conduct by full-time, part-time, and volunteer personnel working for the City of Beatrice.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

SECTION 1. That the "Social Media Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

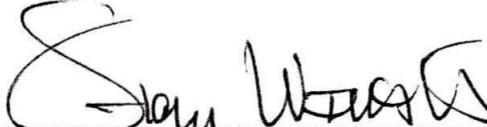
SECTION 2. That Resolution 5914 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 17th day of December, 2018.

Attest:



Erin Saathoff, CMC, City Clerk



Stan Wirth, Mayor



**STAKE
YOUR
CLAIM**

Exhibit "A"

CITY HALL

400 Ella Street | Beatrice, NE 68310

Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310

Phone: 402.228.5211 Fax: 402.223.5181

BEATRICE
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SOCIAL MEDIA POLICY

Purpose

This policy regarding Social Media and Social Networking Activities shall provide guidelines for conduct by full-time, part-time, and volunteer personnel working for the City of Beatrice. This policy covers all forms of technology used for any Social Media and Social Networking Activities, both currently existing and any that may be developed in the future.

City Owned and Maintained Accounts

Employee Access

- Any employee authorized to post items on any of the City's social media sites shall review, be familiar with, and comply with the Social Media Policy.
- Any employee authorized to post items on any of the City's social media sites shall not express his/her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City Employee shall only reflect the views of the City.
- City employees granted permission to use the City websites, social media pages, or engage in social networking activities are responsible for complying with applicable federal, state, and city laws, ordinances, regulations, and policies.
- City employees posting content must ensure their posting does not violate the City's privacy, confidentiality, and applicable legal guidelines. They must ensure they have the legal right to publish all materials, including photos and articles pulled from other sites.
- Confidential or proprietary information or similar information of third parties who have shared such information with the City of Beatrice should not be shared on social media.
- Employees representing the City of Beatrice via social media must conduct themselves at all times as representatives of the City. Employees that fail to conduct themselves in an appropriate manner may be subject to disciplinary action. The City Administrator or his/her designees will determine how employees must identify themselves when participating in a City of Beatrice social media forum.

Site Setup

- The City reserves the right to remove any content from its social media sites at any time.
- The City's social media site serves as an online information source focused on City issues, projects, news and events, and is not intended as a public forum.

- The establishment and use of social media sites is subject to approval by the City Administrator or his/her designee. All City social media sites shall be administered by the City Administrator or his/her designee. They will monitor the content on the City's social media sites to ensure the site meets with both the City's social media policy and the interest and goals of the City of Beatrice.
- The social media site(s) will be maintained by the City of Beatrice and follow the City's social media policy.
- City social media sites, where possible, should link back to the City's official website for forms, documents, online services, and other information.

Use and Content

- The City's social media sites content shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited, information, photographs, videos, and hyperlinks.
- Department Heads are responsible for the compliance with the provisions of this policy by City Employees under such Department Head's supervision and for investigating non-compliance.
- Suspension of a City Employee's internet access may occur when deemed necessary to maintain the operation and integrity of the City's internal network, or if a City Employee has violated this policy.
- Internet user account and password access may be withdrawn without notice.
- Lack of adherence to this policy may result in disciplinary action up to and including termination.
- If a City Employee violates any applicable laws, the City may pursue criminal or civil action against the City Employee.
- All information posted or created for the City's social media sites will become the exclusive property of the City of Beatrice.

Security

- The City reserves the right to deny access to the City's social media sites for any person who violates the City's social media policy at any time without prior notice.
- The City reserves the right to terminate any City social media site at any time without prior notice.
- All social media pages must be established in the City's name and the log-in name, password for access, and a list of all City employees having access to the password must be submitted to the City Administrator.

Citizen Conduct

- The City reserves the right to restrict or remove any content that is deemed in violation of the City's social media policy or any applicable law.
- A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply

endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.

- Comments on topics or issues not within the jurisdictional purview of the City may be removed.
- Comments containing any of the following inappropriate forms of content shall not be permitted on the City's social media sites and are subject to removal and/or restriction by the City Administrator or his/her designee:
 - Comments not related to the original topic
 - Profane, obscene, violent, or pornographic content and/or language
 - Content that promotes discrimination on the basis of race, creed, color, age, religion, gender, or national origin
 - Defamatory or personal attacks
 - Encouragement in illegal activities
 - Conduct in violation of any federal, state, or local law
 - Comments in support of or in opposition to any political campaign or ballot measure
 - Violates the legal ownership interest of another party
 - Promotes commercial services or products

Personally Owned and Maintained Accounts

- Use of City technology and equipment (including computers, internet, and City issued cell phones) to access personal social media websites, accounts, or other related personal material, except for de minimis use, shall be prohibited during work hours.
- Employees shall have no right to privacy for any matter passed through, viewed, downloaded, printed, created, stored, received, sent or otherwise transmitted from City technology and equipment.
- Internet and social media information in the public domain may be considered in employee personnel issues. Please remember to be respectful of others and avoid posts which could be viewed as malicious, obscene, threatening, or intimidating.
- City Employees and Management shall not request or require access to employee or applicant password protected personal internet accounts (including personal social media accounts).
- Employees shall not disclose confidential information on personal social media accounts, websites, or other online forums. Disclosure of information by the City of Beatrice shall be regulated by the City of Beatrice Public Records Policy.
- Misuse of Employer property, software, and social media accounts may subject the employee to discipline.

RESOLUTION NUMBER 6328

WHEREAS, the City of Beatrice aims to reduce the City's potential losses in the event of motor vehicle accidents involving City vehicles; and

WHEREAS, the Mayor and City Council of the City of Beatrice desire to establish a Driving Record Review policy to evaluate and monitor employee driving records.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

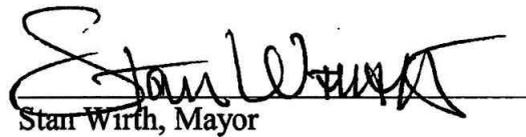
SECTION 1. That the "Driving Record Review Policy", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution 5751 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 17th day of December, 2018.

Attest:


Erin Saathoff, CMC, City Clerk


Star Wirth, Mayor



CITY HALL
400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER
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DRIVING RECORD REVIEW POLICY

Statement of Purpose. It is the purpose of this policy to reduce the City's potential losses and to establish policy guidelines for the review of the driving record of all employees of the City of Beatrice and Beatrice Board of Public Works at least annually.

Review. Prior to hire, an employee's driving record shall be reviewed to determine the driving history of the employee for at least the past three (3) years. Each employee's driving record shall be reviewed annually thereafter. The City Administrator or his/her designee shall review the driving record to identify employees who have marginal or poor driving records. Driving records demonstrating the violations listed below in Section 4 shall be retained in the employee's personnel file.

Consequences. Employees with marginal driving records shall be counseled and have their driving records monitored more frequently. Employees with poor driving records shall not be permitted to operate a City or BPW vehicle or operate a personal vehicle on City business. If there is a conflict in the consequences between this Resolution and the employee's applicable Union Contract, then the Union Contract shall prevail.

Definitions. Drivers with poor driving records shall include:

- a. Those with three (3) or more physical damage claims in any twelve (12) month period while operating a City or BPW vehicle, in which the employee was at fault as determined by the City Administrator/General Manager.
- b. Those with one (1) or more of the following within the past three (3) years

- Conviction of three (3) or more moving violations within the most recent three (3) years; or
 - Suspension, revocation, or administrative restriction of driving privileges within the last three (3) years;
- c. Those with one (1) or more of the following within the past five (5) years
- Conviction for an alcohol and/or drug-related driving offense;
 - Conviction for refusal to submit to a Blood Alcohol Content (BAC) test;
 - Conviction for reckless driving;
 - Conviction for leaving the scene of an accident;
 - Conviction of a moving violation causing a fatal accident; or
 - Conviction of a felony committed involving a vehicle.

RESOLUTION NUMBER 6329

WHEREAS, the Mayor and City Council of the City of Beatrice desire to adopt a policy for occasions when some or all City employees are excused from work due to inclement weather.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

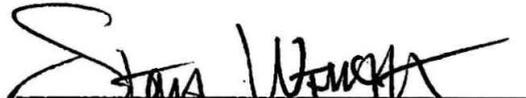
SECTION 1. That the “City of Beatrice/Board of Public Works **Inclement Weather Policy**”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution 5751 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 17th day of December, 2018.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



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INCLEMENT WEATHER POLICY

1. During periods of inclement weather, the Mayor may close City of Beatrice departments and grant administrative leave to the employees of those departments. Department closings and the granting of administrative leave will be based on conditions at the particular time and may not necessarily pertain to all employees of the City. The City Administrator/BPW General Manager will be directly advised of such a decision and will inform the workforce using established supervisory channels.
2. The decision to close facilities, for full or partial days, or to operate with a minimum staff, remains with the Mayor or his authorized representative. The Police Department, Fire Department, and Street Department are responsible for remaining attentive to the meteorological conditions. Furthermore, these department heads are responsible for recommending the closing of offices.
3. When the final decision is made to close departments, employees of the closed department will be placed in an administrative leave status, except those management officials who have been designated as mission essential. Employees will be credited with administrative leave for only that portion of time applicable to the regular hours of work of the department. Employees who are on scheduled leave will not be credited with administrative leave.
4. The City of Beatrice's work requires us to be responsive to the citizens of our community; therefore, a liberal department closing policy is not feasible. When departments are open, employees are responsible for being at work during prescribed working hours. Employees who have been unable to report for work on time, due to inclement weather conditions, may be excused for a short period of tardiness, which will not exceed two (2) hours. Prior to allowing a period of tardiness, the following factors will be reviewed by the department heads; distance between residence and work site; mode of transportation normally used; efforts by the employee to get to work; and, success of other employees in similar situations. Employees who cannot report to work, because of inclement weather conditions, have the responsibility of contacting their supervisor as soon as possible. These employees will be given the option of using vacation time, compensatory time, or to be placed on leave without pay status.

Adopted December 17, 2018
Resolution Number 6329

RESOLUTION NUMBER 6326

WHEREAS, federal law requires that employees of the City of Beatrice pay income tax on certain fringe benefits received as a result of employment such as personal use of a city-owned or leased vehicle; and

WHEREAS, a written policy prohibiting personal use of city-owned or leased vehicles qualifies as sufficient evidence corroborating the employee's own statement that there was no personal use of the vehicle and therefore will satisfy the City's substantiation requirements under Section 247(d) of the Internal Revenue Code; and

WHEREAS, the Mayor and City Council of the City of Beatrice desire to adopt a policy prohibiting in general the personal use of city-owned or leased vehicles to satisfy said substantiation requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

SECTION 1. That the policy regarding use of city-owned or leased vehicles, marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution 3184 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 17th day of December, 2018.

Attest:



Erin Saathoff, CMC, City Clerk



Stan Wirth, Mayor



CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

USE OF CITY-OWNED OR LEASED VEHICLE POLICY

City employees who are authorized to use City-owned or leased vehicles shall use such vehicles only in connection with City business, not for personal use. The term "personal use" includes commuting, personal errands, and any other activity not pertaining to city business but shall not include de minimis personal use (such as a stop for lunch between two business appointments).

These vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and to not bring discredit upon the City. Any employee who will have opportunity to drive a City-owned vehicle must possess a valid driver's license. When a City vehicle is not being used for City business, it must be kept in a City employee parking lot unless it is temporarily located elsewhere, for example, for maintenance or because of a mechanical failure. This policy shall not apply to employees using "qualified non-personal use vehicles" as that term is defined by the U.S. Internal Revenue Service. The City has the right to search any City vehicle at any time without notice.

Adopted December 17, 2018
Resolution Number 6326

RESOLUTION NUMBER 5638

WHEREAS, the Mayor and City Council desire to adopt a return to work policy for non-work related injuries or serious health conditions;

WHEREAS, the Mayor and City Council desire to provide meaningful work opportunities, through light duty, for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties;

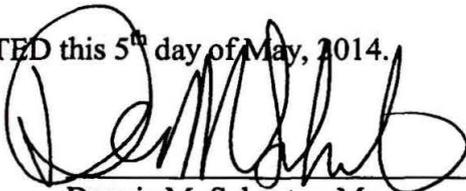
WHEREAS, the Mayor and City Council desire to adopt the “City of Beatrice/Beatrice Board of Public Works **Return-To-Work Policy for Non-Work Related Injuries** or Serious Health Conditions” attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

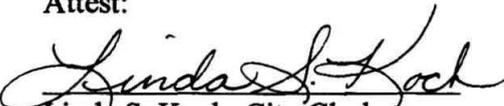
SECTION 1. That the “City of Beatrice/Beatrice Board of Public Works Return-To-Work Policy for Non-Work Related Injuries or Serious Health Conditions”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 5th day of May, 2014.


Dennis M. Schuster, Mayor

Attest:


Linda S. Koch, City Clerk

City of

BEATRICE

Board of Public Works

**RETURN-TO-WORK
POLICY FOR
NON-WORK
RELATED INJURIES
OR SERIOUS HEALTH
CONDITIONS**

May 5, 2014

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PURPOSE

This policy ensures that the City of Beatrice (City) provides meaningful work opportunities for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties. This policy applies to full-time employees suffering from non-work related injuries or serious health conditions. The goal is to return employees to productive, regular work as quickly as possible. By providing temporary light duty, injured employees remain an active and vital part of the City.

SCOPE

All full time employees who become temporarily unable to perform their regular job due to a non-work related injury or serious health condition will have a defined duration to return-to-work and may be eligible for temporary light duty within the provisions of this program. Return to work tasks may be in the form of:

- Changed duties within the scope of the employee's current position;
- Other available jobs or duties in which the employee qualifies for outside the scope of his or her current position; and/or
- An altered schedule of work hours.

DEFINITIONS

Serious health condition – means an illness, injury, impairment, or physical or mental condition that involves:

- 1) A period of incapacity or treatment in connection with an overnight stay in a hospital, hospice, or residential medical care facility; or
- 2) Continuing treatment by a health care provider that includes any one (1) or more of the following:
 - i) A period of incapacity of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition involving treatment two (2) or more times by a health care provider, nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider or treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - ii) Any period of incapacity due to pregnancy, or for prenatal care.
 - iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
 - iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee must be under the continuing supervision of, but need not be receiving active treatment by a health care provider.

- v) Any period of absence to receive and recover from treatments by a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity for more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
- 3) Treatment does not include routine physical examinations, eye examinations, or dental examinations. Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop. Unless complications arise, the common cold, the flu, ear aches, minor ulcers, headaches, other than migraine, routine dental or orthodontia problems, and periodontal disease are not serious health conditions.

Maximum Medical Improvement (MMI) – Point at which employee has recovered from injury or serious health condition and no further progress is anticipated.

Light Duty – A temporary situation when an employee returns from a non-work related injury or serious health condition to medically restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions, another job description, and/or an altered schedule of work hours.

RESPONSIBILITIES

The following responsibilities apply to various levels within the City.

City Administrator/General Manager shall:

- Ensure the policy's enforcement among all Departments of the City.
- Actively promote and support this policy and the Return-to-Work Program as a whole.
- Review all requests for Light Duty.
- Have the final decision in determining if Light Duty is available to the employee and for what duration.

Superintendents/Department Heads shall:

- Support the employee's return to work by identifying appropriate modified assignments that do not exceed the physician's set restrictions.
- Stay in regular contact with absent employees and communicate City's attendance expectations clearly.
- Report any problems in relation to this policy to the City Administrator/General Manager.

Injured or ill employees shall:

- Notify their Superintendent/Department Head in a timely manner when their condition requires an absence.
- Closely follow their physician's medical treatment plan and actively participate in the City's Return-to-Work Program, which includes following all the guidelines of this policy.
- Assist their Superintendent/Department Head identify potential options for light duties that they discover.
- Maintain regular contact with the City about their condition and status.
- Complete all required paperwork in a timely manner.

APPLICABILITY

Family Medical Leave Act (FMLA)

An injured or ill employee shall begin and use FMLA as required by law and as set forth in the City's FMLA Policy.

Duration

After an injured or ill employee has exhausted their FMLA leave, an employee shall have their job protected until the sooner of:

- 1) one hundred-eighty (180) calendar days,
- 2) the injured or ill employee is released for full duty,
- 3) the injured or ill employee reaches maximum medical improvement (MMI), or
- 4) the employee has exhausted all of their accrued sick leave, vacation leave, personal leave, and comp time.

The one hundred-eighty (180) calendar days shall begin the next calendar day after the employee has exhausted their FMLA leave.

The one hundred-eighty (180) calendar days shall be calculated on a rolling calendar.

Light Duty

If work is available that meets the limitations or restrictions set forth by the employee's attending physician, then that employee may be assigned to Light Duty. Light Duty will be allowed as long as it is realistic for the job to continue or until the sooner of one hundred-eighty (180) calendar days, the injured or ill employee is released for full duty, the injured or ill employee reaches maximum medical improvement (MMI), or the employee has exhausted all of their accrued sick leave, vacation leave, personal leave, and comp time. An employee must be released by their attending physician for Light Duty.

Daily Application

An employee assigned to Light Duty shall have his/her limitations and restrictions effective twenty-four (24) hours a day. Any employee who fails to follow his/her restrictions may cause a delay in healing or may further aggravate the condition. Employees who disregard his/her established restrictions, whether they are at work or not, may be subject to disciplinary action up to and including termination.

Qualification

Light Duty will be available to all full-time employees on a fair and equitable basis with temporary assignments based on skills, abilities, and restrictions. Eligibility will be based upon completion of the Return-to-Work Evaluation Form by the employee's attending physician. Light Duty is a temporary program, and the employee's eligibility in these reduced assignments will be based strictly on medical documentation and recovery progress. If there is no Light Duty that meets the employee's skills, abilities, and restrictions, then the employee shall not be assigned to Light Duty.

FMLA and Light Duty

An injured or ill employee's FMLA leave and assignment to Light Duty may run concurrently. If an injured or ill employee is on FMLA leave and is released for Light Duty then the employee may be placed on intermittent FMLA leave.

Example – Employee Z is injured off the job. The injury requires Z to miss eight (8) weeks. During those eight (8) weeks, Z is placed on FMLA and used his/her accrued sick leave, personal leave, vacation leave, or comp time in order to be compensated. In week nine (9), Z is released for four (4) hours per day of Light Duty. Z will charge four (4) hours per day to FMLA, which Z will be compensated for by using four (4) hours per day of accrued sick leave, personal leave, vacation leave, or comp time and Z will be compensated his/her normal wage for the four (4) hours he/she works while assigned to Light Duty.

One Hundred-Eighty (180) Calendar Days and Light Duty

An injured or ill employee may be assigned to Light Duty during their one hundred-eighty (180) calendar days. Once an employee's one hundred-eighty (180) calendar days has started then each calendar day shall count against the employee's one hundred-eighty (180) calendar days regardless if the employee is on Light Duty. The employee shall use accrued sick leave, personal leave, vacation leave, or comp time to be compensated for any hours not worked.

Example – Employee X is injured off the job. The injury requires Employee X to miss twenty (20) weeks, but Employee X is released for Light Duty after twelve (12) weeks. Employee X is placed on FMLA and uses his/her accrued sick leave, personal leave, vacation leave, or comp time in order to be compensated during those twelve (12) weeks. In week thirteen (13) Employee X's one hundred-eighty (180) calendar days will start and Employee X may elect to be assigned to Light Duty or stay at home until released for full duty. If Employee X chooses to be assigned to Light Duty, then he/she shall be compensated his/her normal wage for the hours worked and use his/her accrued sick leave, personal leave, vacation leave, or comp time to be compensated for the other hours. If Employee X chooses not to be assigned to Light Duty, then his/her one hundred-eighty (180) calendar days shall start and he/she shall use his/her accrued sick leave, personal leave, vacation leave, or comp time to be compensated.

Compensation

An injured or ill employee on FMLA leave shall be compensated pursuant to the City's FMLA Policy. An injured or ill employee assigned to Light Duty shall be compensated their normal wage and benefits for any hours worked.

An injured or ill employee unable to perform all or portions of their regular work assignments and duties shall use his/her accrued sick leave, personal leave, vacation leave, or comp time to be compensated for the hours he/she is unable to work.

If an employee uses sick leave, vacation leave, personal leave, comp time, or there is a holiday while the employee is assigned to Light Duty, then the employee shall receive their regular compensation.

Holiday pay, vacation leave, and sick leave are not earned during FMLA leave or during the employee's one hundred-eighty (180) calendar days unless the employee is assigned to Light Duty. Workers compensation insurance, contributions for pension plans, and social security contributions are also discontinued during FMLA leave or during the employee's one hundred-eighty (180) calendar days unless the employee is assigned to Light Duty.

PROCEDURE

Work Schedule

The City will attempt to tailor the restricted work schedule to the injured or ill employee's normal, pre-condition work schedule. However, depending on the employee restrictions, it may be necessary for the employee to take on an altered or reduced work schedule to accommodate their restrictions.

Family Medical Leave Act (FMLA)(non-work related injury)

While assigned to Light Duty, an employee will be held to all existing personnel policies and will be responsible for maintaining acceptable performance standards as a condition of continued employment.

Pursuant to the FMLA policy, your job may not be protected beyond twelve (12) weeks. Be sure to consult the FMLA policy.

Communication Expectations

If an employee is unable to work in any capacity, or the employee is assigned to Light Duty, the employee must stay in constant communications with their Superintendent/Department Head. The Superintendent/Department Head must receive an update of the employee's medical status on at least a weekly basis. Failure of an employee to provide weekly medical updates may result in a reduction in available benefits, removal from Light Duty, or discipline up to and including termination.

Light Duty assignments are designed to be temporary and transitional in nature. They will be reviewed jointly by the Superintendent/Department Head, employee, and relevant City staff to address assigned duties and overall performance. This will be completed at least once a month.

Medical Appointments

Employees on Light Duty shall schedule their medical appointments during hours they are not scheduled to work if possible.

The employee's attending physician must complete the City Return-to-Work Evaluation Form for each visit to evaluate the employee's impairment and restrictions. It is the employee's responsibility to inform City of his/her medical status after each doctor visit.

Medical Evaluation by City Physician

An employee who has been unable to perform their regular job duties for ninety (90) calendar days may have their medical records and/or themselves examined by a medical physician of the City's choice. The City shall pay for said medical examination.

REFUSAL TO PARTICIPATE

Employees who choose not to follow all regulations of this Return-to-Work Policy may be terminated from FMLA, and in some cases, refusal to participate may be a basis for disciplinary action up to and including termination.

UNION CONTRACT

If there is any discrepancy between this Return-to-Work Policy and the injured or ill employee's applicable Union Contract, then the language in the Union Contract shall supersede.

RESOLUTION NUMBER 5637

WHEREAS, the Mayor and City Council desire to adopt a return to work policy for work related injuries;

WHEREAS, the Mayor and City Council desire to provide meaningful work opportunities, through light duty, for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties;

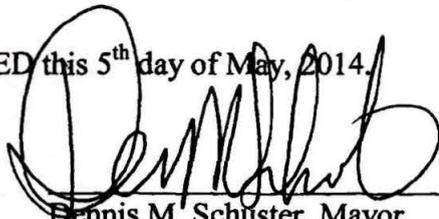
WHEREAS, the Mayor and City Council desire to adopt the “City of Beatrice/Beatrice Board of Public Works **Return-To-Work Policy for Work Related Injuries**” attached hereto as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the “City of Beatrice/Beatrice Board of Public Works Return-To-Work Policy for Work Related Injuries”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 5th day of May, 2014.


Dennis M. Schuster, Mayor

Attest:


Linda S. Koch, City Clerk

City of

BEATRICE

Board of Public Works

**RETURN-TO-WORK
POLICY FOR
WORK RELATED
INJURIES**

May 5, 2014

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PURPOSE

This policy ensures that the City of Beatrice (City) provides meaningful work opportunities for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties. This policy applies to full-time employees suffering from work related injuries. The goal is to return employees to productive, regular work as quickly as possible. By providing temporary light duty, injured employees remain an active and vital part of the City.

SCOPE

All full time employees who become temporarily unable to perform their regular job due to a work related injury may be eligible for temporary light duty within the provisions of this program. Return to work tasks may be in the form of:

- Changed duties within the scope of the employee's current position;
- Other available jobs or duties in which the employee qualifies for outside the scope of his or her current position; and/or
- An altered schedule of work hours.

DEFINITIONS

Maximum Medical Improvement (MMI) – Point at which employee has recovered from injury or illness and no further progress is anticipated.

Light Duty – A temporary situation when an employee returns from a work-related injury or illness to medically restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions, another job description, and/or an altered schedule of work hours.

RESPONSIBILITIES

The following responsibilities apply to various levels within the City.

City Administrator/General Manager shall:

- Ensure the policy's enforcement among all Departments of the City.
- Actively promote and support this policy and the Return-to-Work Program as a whole.
- Review all requests for Light Duty.
- Have the final decision in determining if Light Duty is available to the employee and for what duration.

Superintendents/Department Heads shall:

- Support the employee's return to work by identifying appropriate modified assignments that do not exceed the physician's set restrictions.
- Stay in regular contact with absent employees and communicate City's attendance expectations clearly.
- Report any problems in relation to this policy to the City Administrator/General Manager.

Injured workers shall:

- Notify their Superintendent/Department Head in a timely manner when their condition requires an absence.
- Closely follow their physician's medical treatment plan and actively participate in the City's Return-to-Work Program, which includes following all the guidelines of this policy.
- Assist their Superintendent/Department Head identify potential options for light duties that they discover.
- Maintain regular contact with the City about their condition and status.
- Complete all required paperwork in a timely manner.

APPLICABILITY**Length of Duty**

If work is available that meets the limitations or restrictions set forth by the employee's attending physician, then that employee may be assigned Light Duty. Light Duty will be allowed as long as it is realistic for the job to continue and until the sooner of the injured employee receiving a release to full duty, or the injured employee reaches maximum medical improvement (MMI).

Daily Application

An employee assigned to Light Duty shall have his/her limitations and restrictions effective twenty-four (24) hours a day. Any employee who fails to follow his/her restrictions may cause a delay in healing or may further aggravate the condition. Employees who disregard his/her established restrictions, whether they are at work or not, may be subject to disciplinary action up to and including termination.

Qualification

Light Duty will be available to all full-time employees on a fair and equitable basis with temporary assignments based on skills, abilities, and restrictions. Eligibility will be based upon completion of the Return-to-Work Evaluation Form by the employee's attending physician. Light Duty is a temporary program, and the employee's eligibility in these reduced assignments will be based strictly on medical documentation and recovery progress. If there is no Light Duty that meets the employee's skills, abilities, and restrictions, then the employee shall not be assigned to Light Duty.

Light Duty Begins

An employee shall be assigned to Light Duty beginning the next working day after an employee is released by their attending physician for Light Duty.

PROCEDURE**Work Schedule**

The City will attempt to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the employee restrictions, it may be necessary for the employee to take on an altered or reduced work schedule to accommodate their restrictions.

Payment of Wages – Worker’s Compensation (work related injury)

If qualified authorities determine that an employee’s injury is work related, the City will pay benefits and wages in accordance with the state workers’ compensation statutes and pursuant to the applicable union contract.

Employees performing Light Duty will receive payment for hours worked from the City, while hours not worked will be compensated according to the workers’ compensation statutes and pursuant to the applicable union contract.

Example – Employee Z is injured on the job. The injury requires Z to miss eight (8) weeks. During those eight (8) weeks, Z is paid under workers’ compensation statutes and his/her union contract. In week nine (9), Z is released for four (4) hours per day of Light Duty. Z will then be assigned to Light Duty. Z will then be paid for four (4) hours of work per day worked and will be paid pursuant to workers’ compensation statutes for the remaining four (4) hours.

If an employee uses vacation leave, comp time, personal leave, or there is a holiday while the employee is assigned to Light Duty, then the employee shall receive their regular compensation.

While assigned to Light Duty, an employee will be held to all existing personnel policies and will be responsible for maintaining acceptable performance standards as a condition of continued employment.

Communication Expectations

If an employee is unable to work in any capacity, or the employee is assigned to Light Duty, the employee must stay in constant communications with their Superintendent/Department Head. The Superintendent/Department Head must receive an update of the employee’s medical status on at least a weekly basis. Failure of an employee to provide weekly medical updates may result in a reduction in available benefits, removal from Light Duty, or discipline up to and including termination.

Light Duty assignments are designed to be temporary and transitional in nature. They will be reviewed jointly by the Superintendent/Department Head, employee, and relevant City staff to address assigned duties and overall performance. This will be completed at least once a month.

Medical Appointments

Employees on Light Duty shall schedule their medical appointments during hours they are not scheduled to work if possible.

The employee’s attending physician must complete the City Return-to-Work Evaluation Form for each visit to evaluate the employee’s impairment and restrictions. It is the employee’s responsibility to inform City of his/her medical status after each doctor visit.

Medical Evaluation by City Physician

An employee who has been unable to perform their regular job duties for ninety (90) calendar days may have their medical records and/or themselves examined by a medical physician of the City’s choice. The City shall pay for said medical examination.

Employee Procedures

1. In the event that an injury or illness is work related, report it to your Superintendent/Department Head immediately.
2. Complete and sign a Report of Injury Form.
3. Let your Superintendent/Department Head know that you are seeking medical treatment and obtain a Return-to-Work Evaluation Form. The Return-to-Work Evaluation Form must be completed for each physician's visit.
4. Participate in the Return-to-Work Program, while your attending physician and Superintendent/Department Head continuously review your condition.

REFUSAL TO PARTICIPATE

If an employee is unable to return to their regular job but is capable of performing Light Duty, the employee must return to Light Duty. Employees who choose not to participate in the City Return-to-Work Program or choose not to follow all regulations of this Return-to-Work Policy may become ineligible for state workers' compensation benefits, and in some cases, refusal to participate may be a basis for disciplinary action up to and including termination.

UNION CONTRACT

If there is any discrepancy between this Return-to-Work Policy and the injured employee's applicable Union Contract, then the language in the Union Contract shall supersede.

RESOLUTION NUMBER 7118

WHEREAS, the City of Beatrice (“City”) has the responsibility to protect the functionality and safety of its public street network; and

WHEREAS, a method of maintaining the integrity and intended functionality of the public street network is to apply basic tenants of controlling access between the public right-of-way and private developments in the form of an Access Management Policy; and

WHEREAS, the Mayor and City Council for the City of Beatrice desire to adopt an Access Management Policy setting forth objectives and parameters for access between the public right-of-way and private developments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the **Access Management Policy**, attached hereto as “Exhibit A” and incorporated herein by reference, be and is hereby approved and adopted.

SECTION 2. That all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 21st day of August, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor

CITY OF BEATRICE

**ACCESS MANAGEMENT
POLICY**

December 2020



BEATRICE
STAKE YOUR CLAIM



PREPARED BY JEO CONSULTING GROUP
FOR THE CITY OF BEATRICE, NEBRASKA

ACCESS MANAGEMENT POLICY

Beatrice, Nebraska

December 17, 2020

For more information, contact:

City of Beatrice
James Burroughs, City Engineer
402.228-5208 | jburroughs@beatrice.ne.gov

JEO Consulting Group
Patrick Byrd
Project No.: 181181.00
402.964.3968

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Appendix A: City of Beatrice Request for Deviation

1.0 Introduction

The City of Beatrice has the responsibility to protect the functionality and safety of its public street network. One of the methods of maintaining the integrity and intended functionality of the public street network is to apply the basic tenants of controlling access between the public right-of-way and private developments. This document is intended to serve as an educational, as well as a regulatory, guideline for the design and placement of driveway access on the public street network supplementary to the current City of Beatrice ordinances and design standards. Compliance with these guidelines to the satisfaction of the City Engineer will be required before the issuance of encroachment permits needed to construct and open new development access or modify an existing access to the public right-of-way

City Engineer Review and approval of access will be required under the following conditions:

1. All new driveways
2. New subdivision access
3. Developed Properties where:
 - a. Land use is changing.
 - b. Increases in parking and/or building areas are proposed.
 - c. A change in the operation and geometry of an existing driveway is proposed.
 - d. Proposed site operational changes that will significantly increase traffic to/from the development.

This policy applies to all roadway right-of-way as well as parcels abutting the roadway right-of-way within the City of Beatrice. It should be noted that in some cases the public roadway within the City of Beatrice will fall under the jurisdiction of multiple governmental entities, and it is the responsibility of the developer to research and coordinate access management requirements and guidance of those additional agencies. These could include, but not limited to, Gage County Planning and Zoning and Nebraska Department of Transportation Right-of-Way Permitting.

1.1 Definition and Purpose of Access Management

Access management, as defined by the Transportation Research Board (TRB) Access Management Manual, 2nd Edition, is the coordinated planning, regulation, and design of access between roadways and land development. The purpose of access management is to apply a wide range of design and planning methods to promote the efficient and safe flow of all modes of transportation by reducing conflicts on the street network. Examples of access management techniques include the following:

- Driveway designs that minimize conflicts at the entry/exit to the public street network and accommodate operating speeds consistent with the adjacent roadway.
- Limitation of direct access to major roadways, which can reduce operational efficiency and safety, by encouraging driveway sharing, on-site cross access, and taking access off the minor cross street.
- Enforcement of appropriate driveway spacing to reduce conflict points for drivers.

- Restriction of driveways within the vicinity of signalized/unsignalized intersections to reduce intersection conflicts and crash risks.
- Alignment of driveways across from each other to reduce left-turn conflicts and crash risks.
- Construction of left- and right-turn lanes, where warranted, that will remove slow or stopped vehicles from the through lanes.
- Enforcement of appropriately spaced signal control at intersections to promote efficient traffic throughput.
- Construction of medians to limit exposure of through vehicles, pedestrians, and bicycles to left-turning vehicles into a facility.

1.2 Goals

The goals of this Access Management Policy include the following:

- Define roadway functional classification and hierarchy within the City of Beatrice.
- Establish driveway, intersection, and median opening spacing guidelines.
- Establish acceptable driveway geometry and design standards.
- Define appropriate access at properties abutting alleys.
- Promote joint and cross access between adjacent properties.
- Establish auxiliary lane warrants and design standards.
- Define a Traffic Impact Study process and requirements.
- Define a consistent approval process for encroachment permits to the public right-of-way.
- Provide a deviation request and temporary access policy.

2.0 Access Management Policy

The following sections define the access management policies of the City of Beatrice going forward from the adoption date, including a Functional Classification System, Driveway and Intersection Spacing, Driveway Geometry, and Auxiliary Lane Requirements.

2.1 Functional Classification System

Defined roadway functional classifications serve as the foundation of an access management program. Defining roadway classification helps establish the planned function of that roadway and subsequently defines the priority of access versus throughput. It should be noted that functional classes do not necessarily reflect current characteristics of a roadway, but a planned function of the street, and therefore a category can have varying traffic volumes, especially where adjacent development has not occurred yet. Five levels of street classification have been defined for the street network within the City of Beatrice: Freeway/Expressway, Major Arterial, Other Arterial, Collector, and Local per the NDOT State Functional Classification Maps by City (see definitions of each in the Glossary). The NDOT City of Beatrice road classification map is shown in Figure 1. It should be noted that this map will be subject to periodic updates, and the applicant shall consult the most current version. The applicant shall verify the latest map with the City of Beatrice and NDOT.

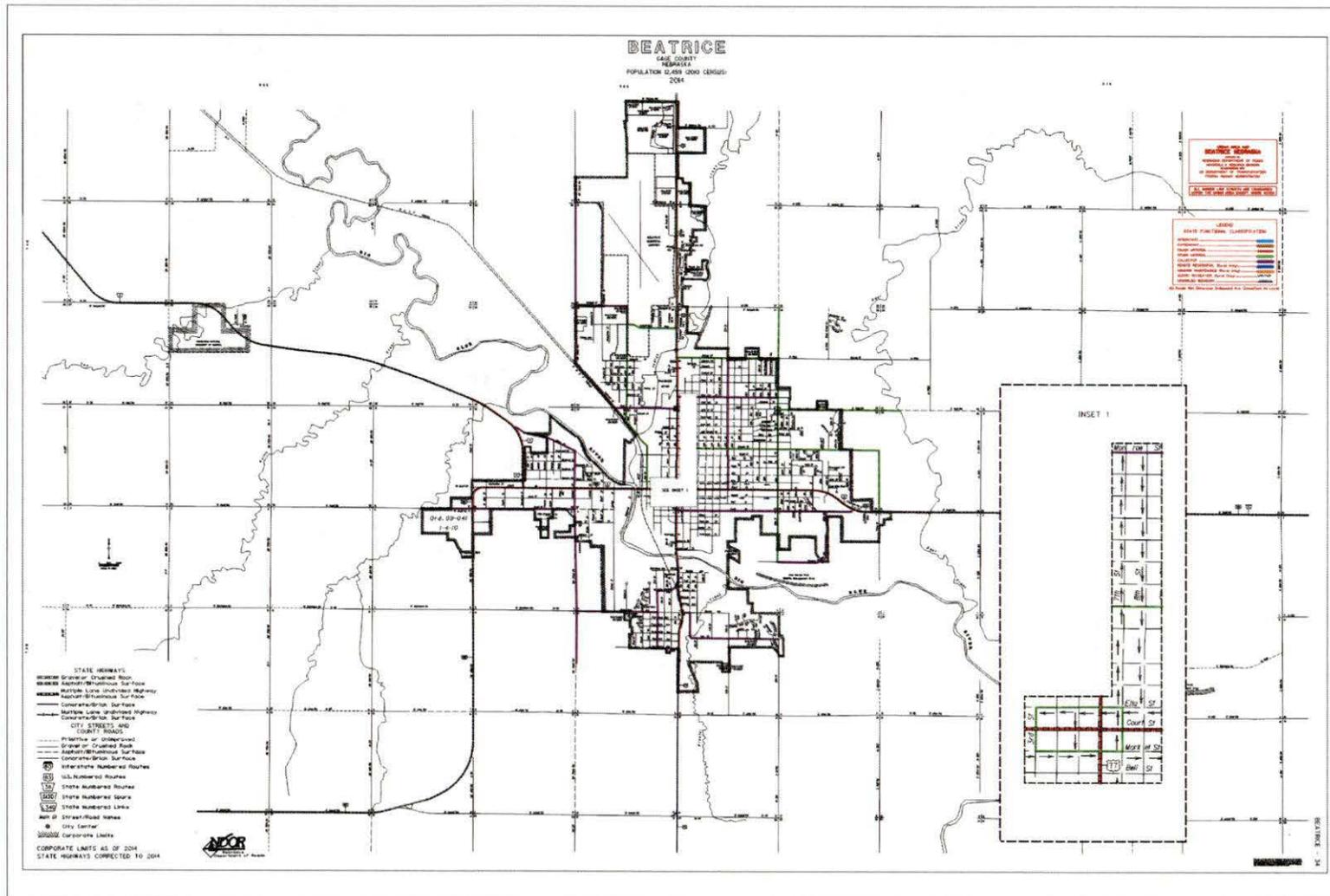


Figure 1: City of Beatrice Road Classification Map (Source NDOT Road Classification Map)

2.2 Driveway and Intersection Spacing

The following sections provide policy and guidance on maintaining appropriate corner clearances, driveway spacing, and signalized/unsignalized intersection spacing.

2.2.1 Signalized and Unsignalized Intersection, Driveway, and Median Opening Spacing

Every intersection has both a physical area and a functional area. The functional area of an intersection extends both upstream and downstream from the physical intersection where driver behavior is dictated by the intersection operations. Furthermore, the more conflicts and decision points introduced within these areas, the more likely intersection operation will be less efficient and safe. One way to reduce conflicts and decision points is to restrict the placement of driveways and intersections within these functional areas which are defined by corner clearance. Corner clearances are defined as a minimum distance between an intersection (measures from the curb to curb) and an upstream or downstream access point meant to limit encroachment into an intersection’s functional area. Calculated functional areas of intersections are primarily dependent on operating speeds which, in turn, determine perception-reaction times, deceleration distances, and queue storage. Based on these concepts, minimum intersection and driveway spacing are summarized in Table 1 by functional classification and posted speed.

Table 1: Spacing Standards for Intersections and Driveways (Measured Centerline to Centerline)¹

Minimum Intersection/Driveway Spacing (Feet) ¹					
Posted Speed (MPH)	Expressway	Arterial ²	Other Arterial ²	Collector ^{3,4}	Local ⁴
25	NA	660	150	100	50
30	NA	660	330	100	50
35	NA	660	330	125	50
40	NA	1320	660	150	NA
45	2640	1320	660	180	NA
50	2640	1320	660	NA	NA
55	2640	1320	660	NA	NA

¹In some cases, existing conditions such as short block lengths that tend to occur in Central Business District Areas may preclude the feasibility of compliance with these spacing thresholds. These situations will require consideration

²May be partial access only.

³Commercial/Industrial Driveways Only. Single residences will be allowed one driveway per residential lot.

⁴Distance from adjoining public street. Access will be allowed to individual properties, but shall not be less than 25' to back of curb of public street.

Signals spaced too closely can significantly increase delays and travel times especially when approach queues back up through an adjacent signal. Therefore, to ensure efficient flow and

progression on signalized street corridors, minimum signal spacing requirements have been established and are shown as part of Table 1.

Table 2 Desirable and Minimum Signal Spacing

Roadway Classification	Preferred Signal Spacing (ft)	
	Desireable Spacing	Minimum Spacing
Arterial/Other Arterial	2,640	1,320
Collector	2,640	660
Local	NA ¹	

¹In some cases, existing conditions such as short block lengths that tend to occur in Central Business District Areas may preclude the feasibility of compliance with these spacing thresholds. These situations will require consideration on a case by case basis and coordination with the City Engineer.

²Typically signalized corridors and raised medians are not present on local streets.

2.2.2 Offset of Opposing Driveways

Opposing driveways with poor offsets tend to create opposing left-turn conflicts which can lead to crashes. An example of this left-turn conflict potential is shown in Figure 2.

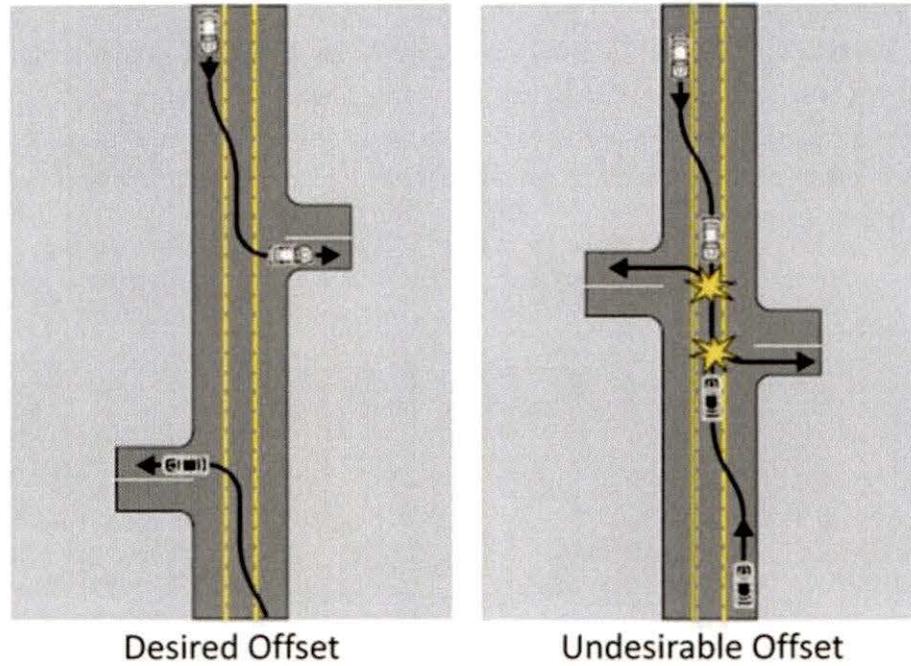


Figure 2: Opposing Driveway Offsets

Source: FHWA’s Access Management in the Vicinity of Intersections

It should also be noted that opposing driveways should be offset in a manner that avoids overlapping left-turn movements. Figure 2 also indicates the desired direction of offset versus the non-desirable condition. To avoid left-turn conflicts, driveways should be aligned with each other where possible or, if the alignment is not feasible, spaced appropriately based on the operating speed of the roadway. Table 3 provides minimal spacing for opposing driveways.

**Table 3: Minimum Offset for Driveways on Opposite Sides of the Roadway¹
(Measured Centerline to Centerline)**

ROADWAY SPEED LIMIT (MPH)	OFFSET (FT)
<30	175
35	330
40	660
50	990
>55	1320

¹Not applicable to single-family or duplex residential properties.

2.2.3 Joint, Cross, and Side Street Access

Shared access points shall be encouraged where feasible, especially on undeveloped corridors. In some situations, temporary access may be granted with the understanding that as adjacent properties develop, the temporary access will be removed and replaced with shared driveways. This concept is depicted in Figure 3. Temporary access procedures are discussed in further detail in Section 4.2

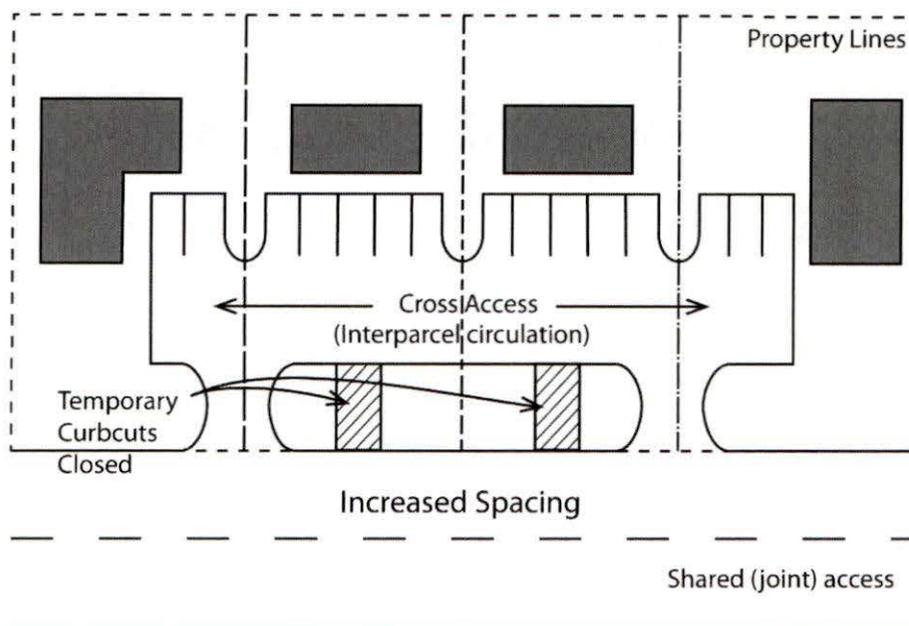


Figure 3: Cross Access and Driveway Sharing Concept

Furthermore, if the opportunity is available, direct access shall be encouraged to a side collector or local street as opposed to taking access directly off an arterial roadway. These strategies are intended to minimize the number of access points along a corridor, thereby increasing roadway safety and operating efficiency.

2.2.4 Alleyway Access

Alleyways offer abutting properties the opportunity to have effective access that is much more desirable compared to direct driveway access to an arterial or collector roadway. New developments or redevelopments proposed for parcels abutting alleyways will be required to take one full access off the alleyway and not off of the main roadway. Proposals for additional access on existing developments abutting alleys that currently have front and alley access will not be permitted.

2.3 Driveway Construction

To facilitate safe and efficient operations between the public right-of-way and adjacent properties, new driveways should adhere to minimum standards of design. Figure 4 shows typical commercial

driveway standards and their applicable reference sections providing a more detailed discussion. Figures 5 and 6 indicate standard residential with offset sidewalk and curbside sidewalk respectively.

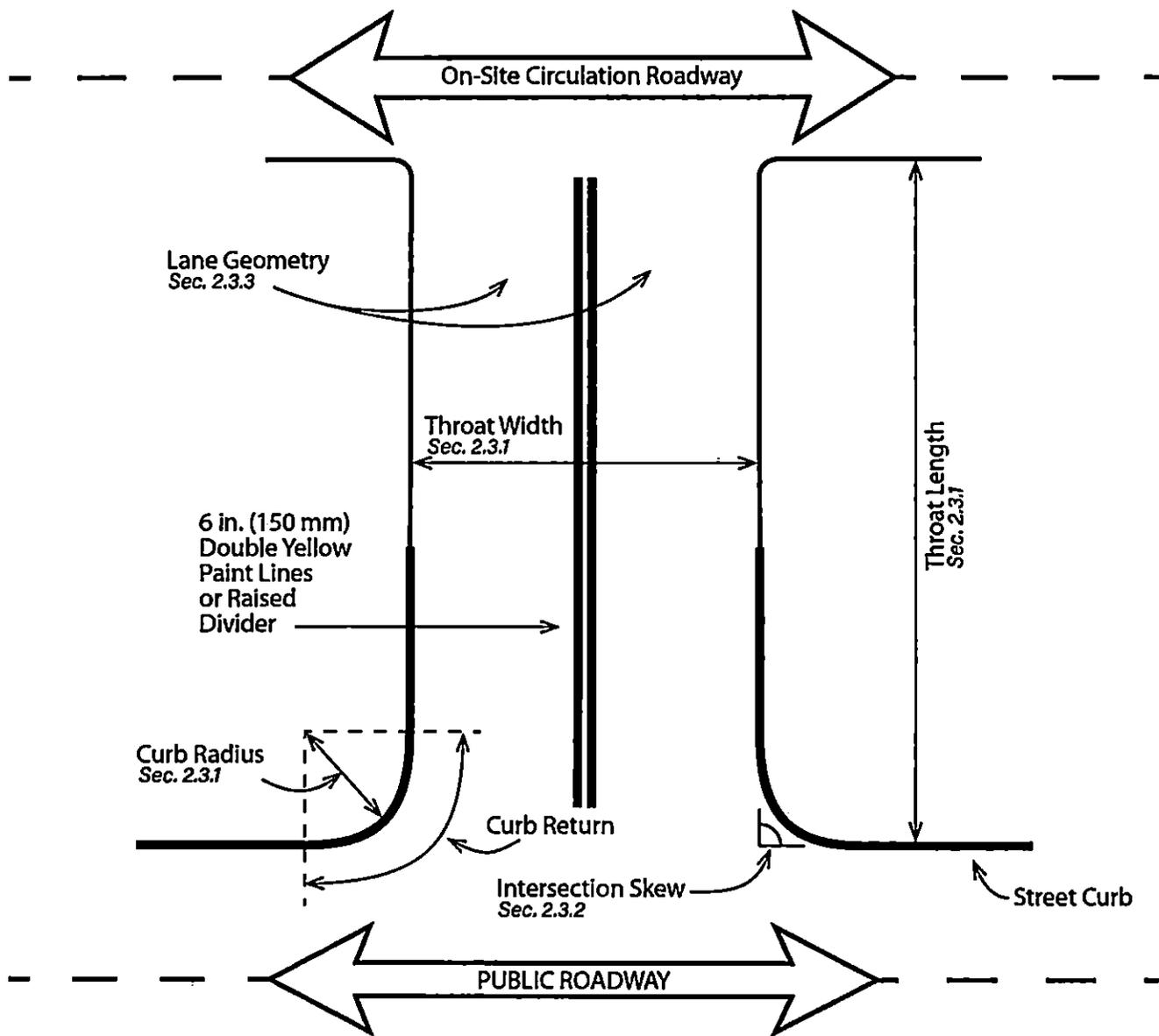


Figure 4: Commercial Driveway Design Components

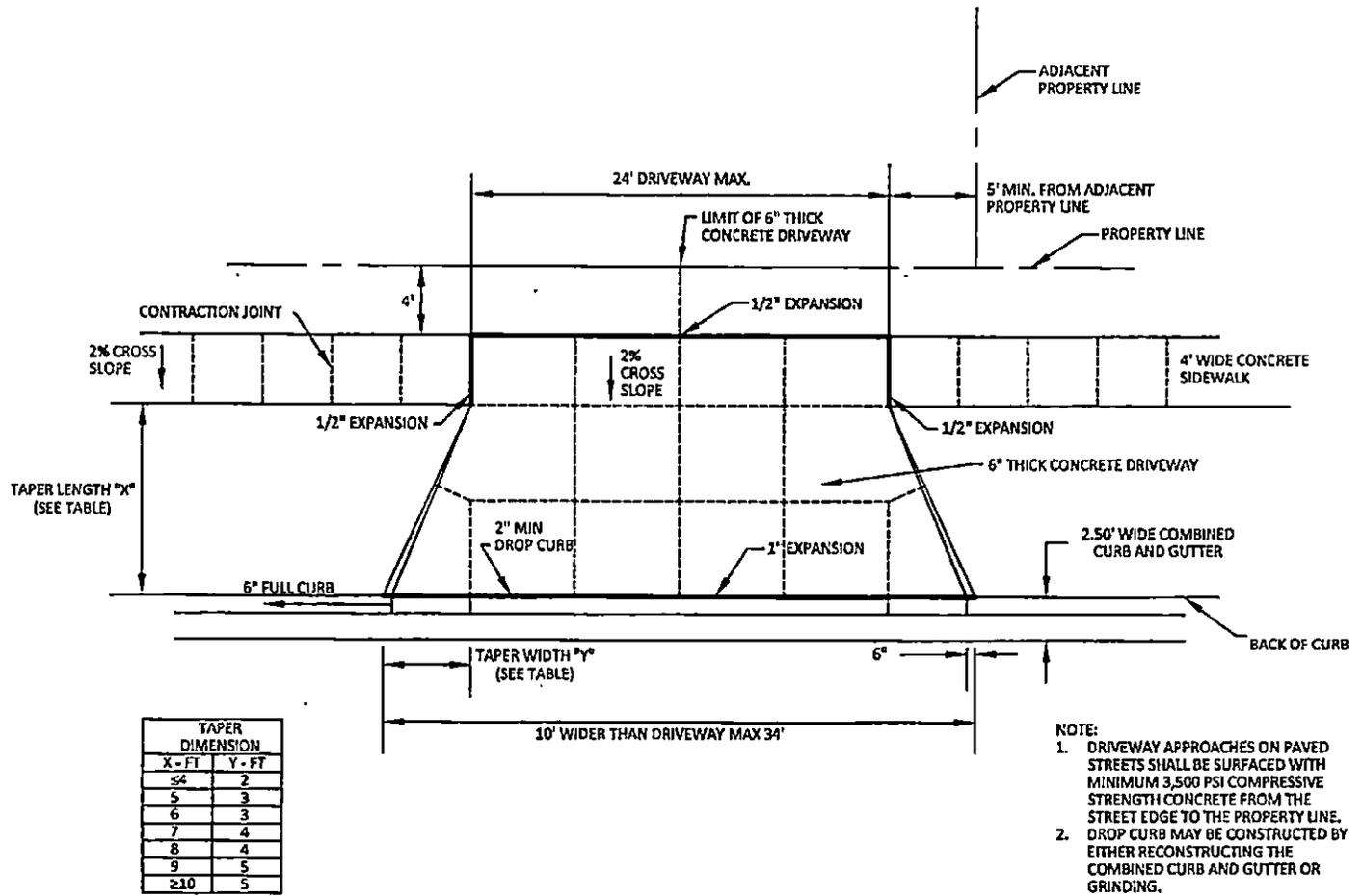
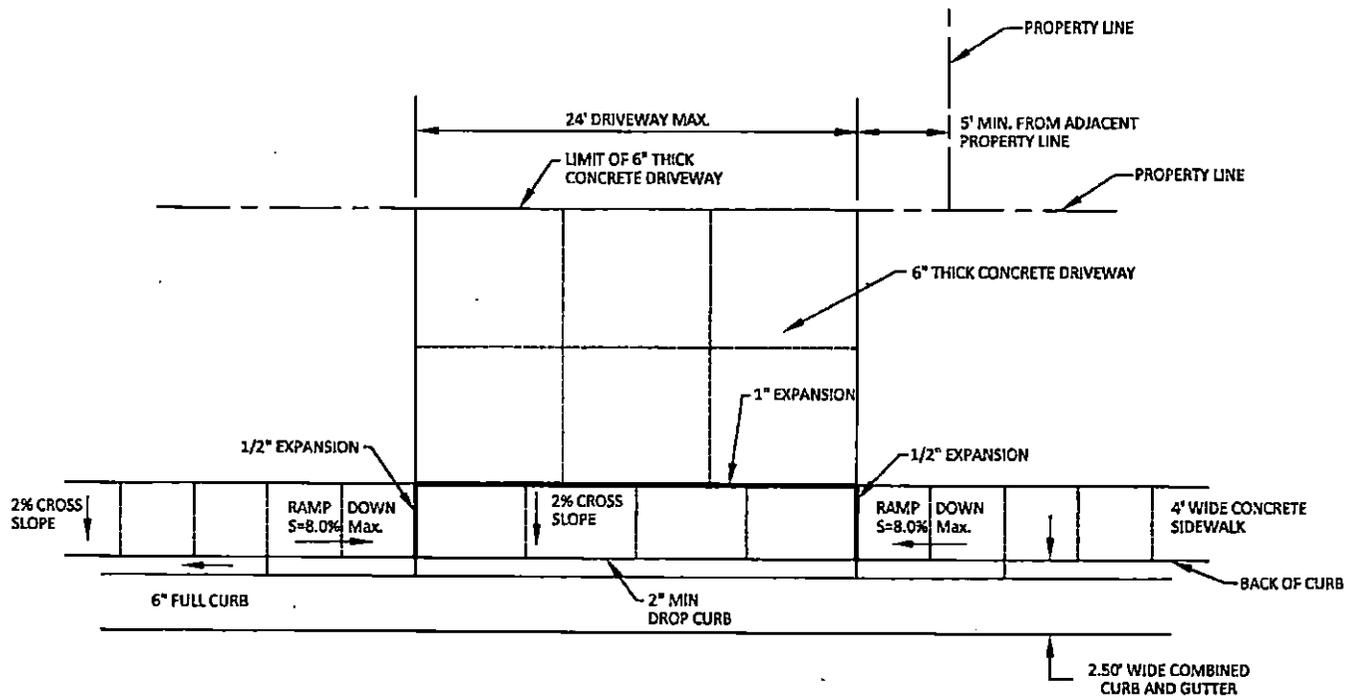


Figure 5 Standard Residential Driveway with Offset Sidewalk



- NOTE:**
1. DRIVEWAY APPROACHES ON PAVED STREETS SHALL BE SURFACED WITH MINIMUM 3,500 PSI COMPRESSIVE STRENGTH CONCRETE FROM THE STREET EDGE TO THE PROPERTY LINE.
 2. DROP CURB MAY BE CONSTRUCTED BY EITHER RECONSTRUCTING THE COMBINED CURB AND GUTTER OR GRINDING.

Figure 6 Standard Residential Driveway with Attached Sidewalk

2.3.1 Throat Width/Length/Curb Radii

Driveway approaches on paved streets shall be surfaced with a minimum of 3,500 psi compressive strength concrete from the street edge to the property line. The minimum thickness of driveway approaches for single or two-family dwellings is 6" from the street edge to the property line. The minimum thickness of commercial driveway approaches shall be 6" from the street edge to the property line, and a minimum 3,500 psi compressive strength. The City Engineer may require greater thickness and/or strength for commercial driveways depending on the geometry of the approach, anticipated traffic volumes, and number and type of trucks using the driveway.

Driveway approaches on unpaved streets may be surfaced with crushed rock from the street to the property line. At such time as the street is paved, the driveways shall be surfaced with concrete in accordance with these standards.

All new driveways shall be designed in compliance with minimum/maximum throat widths, minimum throat lengths, and minimum/maximum curb radii and are dependent on land use type (residential, commercial, or industrial use). Table 4 summarizes minimum and maximum widths based on a two-way/two-lane driveway configuration. It should be noted that if a Traffic Impact Study is required (See Section 3.0), driveway throat width and length should be based on operations and queue capacity analyses and recommended lane geometry.

Table 4: Driveway Geometry Requirements

Land Use	Max. Throat Width (ft)	Min. Throat Length (ft)	Taper	Curb Radii (ft)
Residential				
Single Family/Duplex	24	Back of Curb to ROW	2:1 to a Max of 5'	5
Multi-Family	24	25	NA	15
Commercial	30	50 ²	NA	25
Industrial	Varies ³	Varies ³	NA	Varies ³

¹Throat widths shown assume a two-lane driveway (One in/One out) two lane driveways are assumed to be associated with larger trip generating land uses and those should be designed based on a Traffic

²Applies to most commercial land uses except those indicated in Table 5.

³Driveway dimensions for industrial land uses should be developed on a case by case basis and should be designed based on an appropriate design vehicle. The developer shall coordinate design with the City Engineer.

Table 5 indicates guidance for throat lengths for typical commercial uses. Throat length is measure from the curb line of the public roadway to the edge of the first on-site circulation roadway.

Table 5 Recommended Throat Lengths for Special Land Uses

Type of Use	Minimum Throat Length (ft)	
Financial Institution - Electronic Teller	55'	
Financial Institution - Personal Teller	100'	
Car Wash - Self Service	100' at entrance	
	20' perbay at exit	
Drive-Through Resteraunt	120' from menu board	
Drive-Through Coffee Shop	Driver Side Service	100' from menu board
	Passenger Side Service	55' from menu board
Drive-Through Pharmacy	55' per lane	
Service Stations	Service Islands	55' per pump lane
	Service Bays	20' per bay
	Quick Lube/Oil Change	44' per bay
	4 or more pump islands side by side 18' apart	30' per lane
Gated Parking Lot Entrance	22' from property line	
Garage Unit or Overhead Door (Category C and Above Only)	22' per door	

2.3.2 Skew

Ideally, all new driveway construction shall incorporate a 90-degree skew. However, if field conditions make a 0-degree skew infeasible, a deviation request will be required, and acceptance will be needed from the City Engineer. This procedure is discussed in Section 4.0 (Variance Procedure)

2.3.3 Lane Geometry

In most cases, one-way driveways will be expected to be a single lane and two-way driveways will be assumed to incorporate one entry and one exit lane. Furthermore, driveway geometry shall avoid offsetting lane alignment between driveways across from one another. Therefore, proposed driveway geometry incorporating medians shall be evaluated on a case by case basis and coordinated with the City Engineer. However, for developments that are expected to generate greater than 100 total peak hour trips, the number of entering and exiting lanes, including left-turn and right-turn lanes, shall be based on operations and queue capacity analyses as part of a Traffic Impact Study. (See Section 3)

2.3.4 Driveway Slopes

The driveway approach surface shall meet the sidewalk at sidewalk grade. The cross-slope of the sidewalk shall not exceed 2%. In general, the change in grade between the street cross-slope and driveway grade should not exceed 8%. For accesses onto arterial or collector streets, the maximum grade change should not exceed 3% for a high-volume driveway (multi-family or commercial) or 6% for a low volume driveway (single-family or duplex)."

2.3.5 Culverts

Along roads improved with rural-type cross-sections and a parallel ditch, a drainage culvert shall be installed under the driveway approach. The length, size, grade, and location of the culvert shall be determined by the City Engineer and in accordance with the City of Beatrice Drainage Criteria Manual. The culvert is to be purchased by the property owner and installed by the City at the owner's cost. The maximum number of residential driveways are 1 per minimum lot width allowed per zone classification.

2.3.6 Sight Distance

Appropriate sight distance should be provided at new driveways and intersections to ensure drivers can see conflicting traffic and pedestrians to make safe turning and through maneuvers. Table 6 summarizes the minimum (stopping sight distance) and the preferred intersection sight distances that should be accommodated for any new driveway and Figure 6 graphically depicts Dimensions "A" and "B" for intersection sight distance. If stopping sight distance cannot be provided, warning signs per the latest MUTCD shall be required and provided by the project developer.

Table 6 Driveway Sight Distance Guidance

Design Speed (Posted Speed + 5 MPH)	"A" Dimension					Minimum "B" Dimension
	Minimum ¹	2 Lane Major Street		4 Lane Major Street		
		Undivided	w Median/TWLTL	Undivided	w Median/TWLTL	
25 MPH	155 feet	290 feet	295 feet	295 feet	315 feet	14.5 Feet from Traveled Way
30 MPH	200 feet	335 feet	355 feet	355 feet	375 feet	
35 MPH	250 feet	390 feet	415 feet	415 feet	440 feet	
40 MPH	305 feet	445 feet	470 feet	470 feet	500 feet	
45 MPH	360 feet	500 feet	530 feet	530 feet	565 feet	
50 MPH	425 feet	555 feet	590 feet	590 feet	625 feet	
55 MPH	495 feet	610 feet	650 feet	650 feet	690 feet	
60 MPH	570 feet	665 feet	705 feet	705 feet	750 feet	

¹Stopping Sight Distance

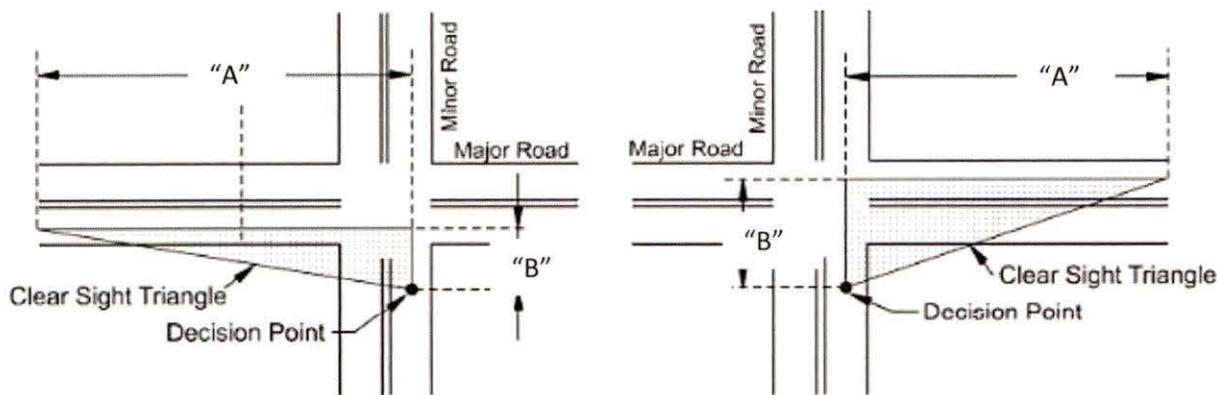


Figure 7 Graphical Representation of Dimension “A” and “B” for Intersection Sight Distance

2.3.7 Site Obstructions

If preferred or minimum intersection sight distance discussed in Section 2.3.6 is not feasible, the following section outlines absolute minimum site obstruction thresholds around intersection and driveway corners. Per the Beatrice City Code (Chapter 23, Article IV, Section 23-101), It shall be unlawful for any person to install, plant, place, set out or maintain, or to allow to be installed, planted, placed, set out or maintained, or to permit to exist any tree, hedge, shrubbery, plant, natural growth, sign or other obstruction to the view within the sight triangle, that being the triangular area bounded by a diagonal line joining points measured thirty (30) feet from the intersection point of the tangent lines of the curb or traveled way, on a property at any corner formed by intersecting streets, which is higher than two (2) feet six (6) inches above either:

1. The top of the curb return at the applicable corner of the intersection; or
2. The nearest roadway surface, where there is no curb.

Furthermore, any obstruction maintained or existing in violation of this section shall be deemed a public nuisance; however, the City Engineer may enlarge the sight triangle beyond thirty (30) foot diagonal lines for a particular intersection if he/she determines that the topography of the land near that intersection is such that a thirty (30) foot sight triangle would not provide sufficient visibility. The 30-foot triangle is shown in Figure 8.

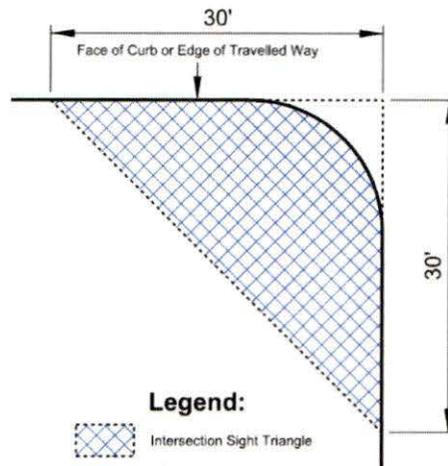


Figure 8 Minimum Sight Triangle for Sight Obstructions per Beatrice City Code

Except as permitted by Beatrice Code, sections [23-81](#) and [23-81.1](#), it shall be unlawful for any person to plant any street tree or agricultural crop closer than:

1. Fifteen (15) feet to the back of any curb or closer than fifteen (15) feet to the road surface along streets having no curbs.
2. Three (3) feet to the edge of any sidewalk.
3. No street tree and agricultural crop shall be planted closer than thirty (30) feet from any street corner, measured from the point of the nearest intersection of curbs or curb lines.

Street trees and agricultural crops shall not be planted upon any alley.

2.4 Auxiliary Lane Requirements

Auxiliary lanes such as left-turn and right-turn lanes generally improve operations and safety on streets, especially on high-speed facilities. Turn lanes effectively move slower moving and stopped traffic out of the higher speed through movements, thereby improving efficiency and reducing the risk for rear-end crashes.

2.4.1 Left and Right-Turn Requirements

Table 7 summarizes when a left and/or right-turn lane should be provided at unsignalized approaches to intersections and driveways.

Table 7: Left-Turn and Right-Turn Lane Requirements at Uncontrolled Intersections

SPEED LIMIT	TURN VOLUME (VPH) ¹			
	Left Turn Lane		Right Turn Lane	
	Two-Lane	Four-Lane	Two-Lane	Four-Lane
<30 MPH	45	55	45	55
35-40 MPH	35	45	40	45
45-55 MPH	25	35	35	40

¹Turn volume shown or greater
 VPH = vehicles per hour

Left and right-turn lanes at stop and signal-controlled approaches will be determined on a case by case basis by analyzing the 95th percentile queues expected for a horizon year should a development require a traffic impact study.

2.4.2 Auxiliary Lane Lengths

Auxiliary lane length requirements are dependent on facility speed limits, queue demands, and intersection approach control (uncontrolled, stop sign, yield, or signal). Auxiliary lane lengths include storage length and taper length as shown in Figure 9.

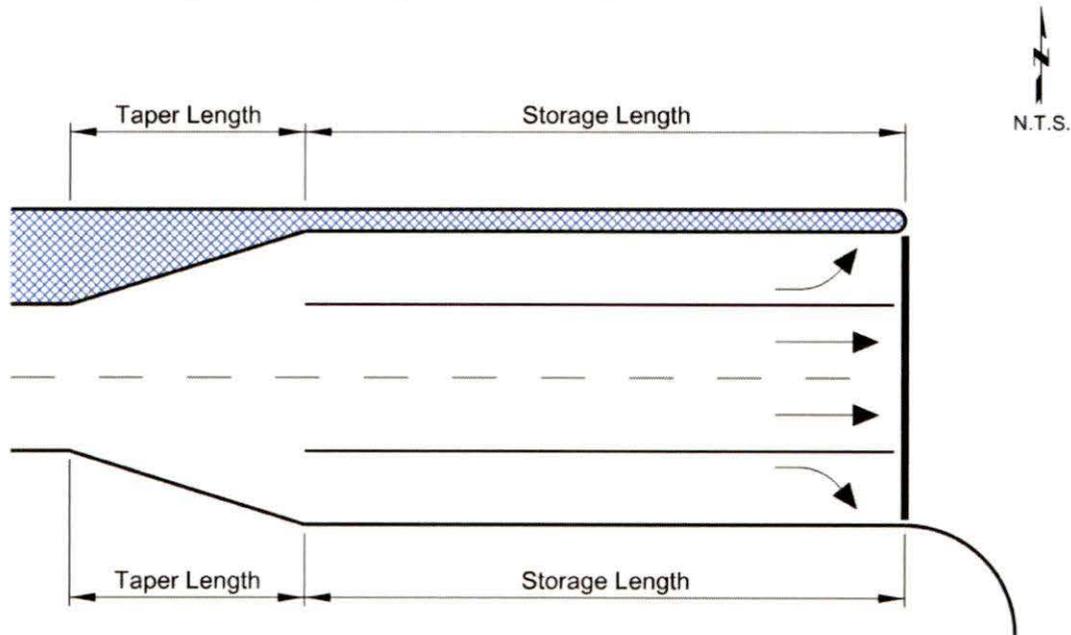


Figure 9 Auxiliary Lane Length Components

Both minimum and preferred left-turn lane lengths for uncontrolled approaches are shown in Table 8. Minimum lengths are based on deceleration lengths required to slow from the signed speed limit to a complete stop assuming a deceleration rate of 9.9 ft/s². Preferred storage lengths assume a deceleration rate of 6.5 ft/s², use of the 100-foot taper for deceleration, and a 75-foot queue storage

length. Therefore total lane lengths include storage length, deceleration length, taper length requirements.

Table 8: Left-turn Lane and Taper Length Requirements

SPEED LIMIT	LEFT-TURN STORAGE LENGTH (FT)		TAPER LENGTH (FT)
	Minimum ¹	Preferred	
<25 MPH	100		100
30 MPH	100	150	
35 MPH	150	200	
40 MPH	175	250	
45 MPH	225	325	
50 MPH	300	400	
55 MPH	350	475	
60 MPH	400	575	

¹All proposed lane lengths less than preferred shall be coordinated with and accepted by the City Engineer

²A 12-foot wide lane was assumed.

Both minimum and preferred right-turn lane lengths for uncontrolled approaches are shown in Table 9. Minimum lengths are based on deceleration lengths required to slow from the signed speed limit to a 15 mph turning speed assuming a deceleration rate of 9.9 ft/s². Preferred storage lengths assume a deceleration rate of 6.5 ft/s², use of the 100-foot taper for deceleration.

Table 9: Right-Turn Lane and Taper Length Requirements

SPEED LIMIT	RIGHT-TURN STORAGE LENGTH (FT)		TAPER LENGTH ² (FT)
	Minimum ¹	Preferred	
<25 MPH	100		100
30 MPH	100	125	
35 MPH	100	150	
40 MPH	100	200	
45 MPH	100	225	
50 MP	150	300	
55 MPH	175	350	
60 MPH	225	425	

¹All proposed lane lengths less than preferred shall be coordinated with and accepted by the City Engineer

²A 12-foot wide lane was assumed.

Left- and right-turn lane lengths at stop and signal-controlled approaches will be determined on a case by case basis should a development require a traffic impact study.

2.5 Mid-Block Crosswalk Guidance

Ideally, pedestrian crosswalks should be located at controlled legs of intersections. However, there are times when pedestrian crossings are infrequent (spaced less than 400 feet apart) and current pedestrian routes are already occurring at mid-block locations. Mid-block pedestrian crosswalks shall only be considered if the following criteria are satisfied:

1. If Average Daily Traffic (ADT) is 12,000 vehicles per day or less or less than 15,000 ADT on multi-lane roadways if a raised pedestrian refuge median is provided.
2. On roads with speed limits less than 40 mph.
3. There must be a minimum pedestrian crossing volume of 25 pedestrians per hour for at least four hours on a typical day.
4. There must be adequate sight distance for pedestrians and motorists.
5. Mid-block crosswalks shall be located at least 100 feet from the nearest side street or driveway to allow turning vehicles to safely yield to crossing pedestrians.

Beyond the satisfaction of the above criteria, all proposed mid-block pedestrian crosswalks shall be coordinated with the City Engineer for final concurrence. Any mid-block pedestrian crosswalk that is accepted by the City, shall conform to local signing and striping standards, MUTCD guidance (Sections 2c.50 Non-Vehicular Warning Signs and 3B.18 Crosswalk Markings).

3.0 Traffic Impact Study Procedure

Traffic Impact Studies (TIS) are conducted for the following purposes:

1. To determine potential impacts to the adjacent transportation network caused by redevelopment or new development that generates significant traffic demands.
2. Identify any deficient operational, geometric, and/or safety conditions related to proposed site impacts.
3. If required, assess the need for the project developer to construct and/or contribute to mitigation measures.

3.1 Study Thresholds

A TIS will be required if the development is expected to generate 100 (total entering and existing traffic) peak hour trips or more during the adjacent roadway's peak hour. Trip generation should be determined based on the latest Institute of Transportation Engineers (ITE) published Trip Generation Manual. In many cases, the Trip Generation Manual provides the option to apply either an average or an equation-based rate to calculate trip generation. If both average and equation-based rates are provided for given land use, the City of Beatrice will require the greater of the two options. Any alternative trip generation methodology such as site-specific data collection shall be coordinated and approved by the City Engineer. If a site is expected to equal or exceed TIS thresholds the development project shall coordinate a TIS scope with the City Engineer (See Section 3.2) The project developer shall provide trip generation calculations and a preliminary site plan to the City Engineer for TIS need determination. If the City Engineer requires a TIS, the preparation of the study shall be the responsibility of the project developer and should be prepared by a currently licensed Nebraska Professional Civil Engineer.

3.2 Scoping Procedure

If trips to and from a proposed development are expected to exceed 100 peak hour trips, the project representative shall coordinate a TIS scoping meeting with the City Engineer. The scoping meeting can either be via telephone conference call or in-person and should cover the following:

1. A review of the current proposed site plan
2. Determination of required study intersections
3. Data collection requirements
4. Validate trip generation calculation
5. Identification of horizon years for analysis
6. Discussion of near-term, concurrent projects, and traffic demand growth rate methodology needed to develop background traffic.
7. Required traffic analysis and methodology

It should be noted that additional discussions and scope requirements not mentioned above, may be added at the discretion of the City Engineer.

Upon completion of the scoping meeting, the project developer is recommended to prepare TIS scope meeting notes and distribute them to all scope meeting attendees.

3.3 Traffic Impact Study Analysis Requirements

At a minimum, the following traffic data, analyses, and discussion will typically be required for every TIS:

1. Both AM and PM peak hour turning movement count at all study intersections. Data shall be collected on a Tuesday, Wednesday, or Thursday and collected in 15-minute intervals. Collection times during the day will be determined on a case by case basis through coordination with the City Engineer. In some cases where special adjacent land uses such as schools are present, data should be collected 30 minutes before and after school dismissal. Data should also include pedestrian, bicycle, and truck counts as well as peak hour factors.
2. Using the latest ITE Trip Generation Manual and/or other City Engineer approved methodology, site-generated trips to and from the site shall be estimated.
3. Distribution of trips to and from the site shall be estimated. The methodology of trip distribution shall be logical and defensible.
4. Distributed site trips shall be assigned to the adjacent street network within the study area.
5. Conduct AM and PM peak hour capacity analysis, per the latest Highway Capacity Manual methodologies, for all study intersections under existing and horizon year (Build and No Build) conditions.
6. Applying the latest Highway Capacity Manual methodology, 95th Percentile queue demands shall be calculated for all study intersection approaches.
7. Mitigation options shall be assessed and resulting recommendations offered for intersections and movements operating at LOS D or worse for horizon year conditions.
8. Assess site compliance with City of Beatrice access management policies. This would include but is not limited to, driveway spacing, geometry, locations, sight distance, and the need for left- and right-turn auxiliary lanes.
9. Assess on-site circulation and pedestrian connectivity.
10. Provide supporting documentation as well as data, assumptions, and calculations, as required by the City Engineer, compiled into a reviewable technical appendix.

It should be noted that the City Engineer reserves the right to require additional analyses not mentioned in this policy based on site-specific operational and safety needs. These additional requirements should be made known to the project development representative at the scoping meeting.

Generally, TIS analyses and calculations shall be based on methodology and guidance found in the most recent editions of the following references:

1. Highway Capacity Manual (HCM)
2. Manual of Uniform Traffic Control Devices (MUTCD)
3. Highway Safety Manual (HSM)
4. A Policy on Geometric Design of Highways and Streets (AASHTO Green Book)
5. City of Beatrice Access Management Policy

TIS submittals shall include one draft study submittal for the City of Beatrice review, which should be provided digitally in pdf format. The City of Beatrice will provide comments, feedback, and mitigation requirements to the project developer for the preparation of the final TIS document. Final TIS submittals shall include one signed and stamped copy of the TIS and accompanying appendices and a comment resolution summary documenting all City of Beatrice draft study comments and how they were addressed. The final study document shall be signed and stamped by a currently licensed State of Nebraska Civil Engineer.

3.4 TIS Approval

Encroachment permits shall not be issued before City Engineer approval of a required TIS (See Section 0). TIS approval will be provided by the City of Beatrice in a formal letter and/or email indicating that all comments have been addressed to the satisfaction of the City Engineer. City approval will also outline the construction of mitigation requirements and/or contribution to the cost of required project mitigation. In some cases, multiple entity (e.g. NDOT & Gage County) approvals will be required before permit issuance. Any access constructed without approval after the adoption of this policy or not in compliance with the City of Beatrice TIS approval conditions shall be considered illegal non-conforming access and a violation notice will be issued. Furthermore, the illegal access may be closed or removed.

4.0 Deviation Request Procedures

It is recognized by the City of Beatrice that conformance with this Access Management Policy may not be feasible in some situations due to current field conditions and site constraints. The following section is intended to provide a proposed development with the opportunity to be granted a deviation request when compliance with this Access Management Policy is infeasible.

4.1 Requests for Deviation request

The standards outlined in this Access Management Policy may be altered or waived on a case by case basis by the City of Beatrice to accommodate existing street or property conditions that limit the feasibility of a compliant design. A formal Request for Deviation from (see attached as Appendix A) would need to be sent to the City Engineer and shall require documentation justifying the need for the deviation request. City Engineer acceptance of the proposed deviation request will be required before the issuance of access and construction permits.

4.2 Temporary Access

If development cannot feasibly comply with the City of Beatrice driveway spacing standards and has no other alternative means of access to a public road, a temporary driveway may be permitted. The temporary access permit will be terminated once adjacent properties are developed and alternative joint access can be constructed. Temporary access will be approved and granted with the following conditions:

1. The development agrees to coordinate and contribute to the construction of the future consolidated driveway.
2. The development agrees to remove the temporary access when a future acceptable, shared driveway becomes feasible.
3. Regardless of the need for a Traffic Impact Study (See Section 0), temporary access requirements, as well as permanent access, shall be coordinated with the City Engineer.

Depending on its size and expected trip generation, a development may be required to be constructed in phases with later phases allowed to be constructed when acceptable shared access is feasible.

5.0 Glossary

The following glossary provides definitions of terms found in this Access Management Policy. Definitions have been taken from the Transportation Research Board's publication *Access Management Manual* with small modifications to incorporate local context.

Access

The ability to enter upon a parcel of land from an abutting public roadway and to return to the roadway from the same parcel.

Access Management

The coordinated planning, regulation, and design of access between roadways and land development.

Access Point

Any driveway, street, alleyway, or other means of providing for the movement of vehicles to or from the public roadway system.

Approach

The set of lanes making up one leg of an intersection.

Arterial

A major roadway intended primarily to serve through traffic where direct access is carefully controlled. Arterials are roadways of regional importance, intended to serve moderate to high volumes of traffic traveling relatively long distances at greater speeds.

Auxiliary Lane

A lane striped for non-through traffic use. Uses can include speed-change, hill climbing, and turn lanes.

Capacity

The maximum rate of flow at which vehicles reasonably can be expected to traverse a point on a lane or road during a specific period under prevailing traffic, roadway, and intersection control conditions, usually expressed as vehicles per hour. Capacity is often considered the maximum amount of traffic that can be accommodated by a roadway during the peak hours of demand.

Collector Classification

Collectors provide for traffic movement between arterials and local streets and that carry moderate traffic volumes over moderate distances. They provide a mix of the functions of mobility and access and therefore do not function as well as Arterials or as Local Streets for those purposes, respectively. Collector streets may provide direct access to abutting commercial properties, but streets with higher traffic volumes may have restrictions on direct access for individual residences.

Conflict Point

An area in which intersecting traffic either merges, diverges, or crosses.

Corner Clearance

The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

Cross access

An easement or service drive providing vehicular access between two or more contiguous sites, so the driver does not have to re-enter the public roadway system.

Driveway

The physical connection for vehicular traffic between a roadway and abutting land.

Driveway Curb Radii

A circular pavement transition at the entrance of a driveway that facilitates turning movements.

Encroachment Permit

Authorization by a governmental agency for the construction, maintenance, and use of a driveway or public street connecting to a public street or highway.

Freeway/Expressway Classification

These roads serve high volumes of traffic traveling long distances. Their function is to provide mobility through traffic. Access is limited and controlled to reduce interference and facilitate movements. Access management for this road category is controlled by the Nebraska Department of Roads (NDOR).

Functional Area (intersection)

That area beyond the physical intersection of two controlled access facilities that constitute decision and maneuver distance, plus any required vehicle storage length, and is protected through corner clearance standards and connection spacing standards.

Functional Classification

A system used to group public roadways into classes according to purpose in moving vehicles and providing access.

Full Movement Driveway

A driveway that allows all movements to and from the adjacent roadway including left-turns to, left-turns from, right turns to, and right-turns from.

Highway Capacity Manual (HCM)

A publication published by the Transportation Research Board containing concepts, guidelines, and computational procedures for analyzing the capacity and quality of service of various highway facilities including freeways, highways, arterial roads, roundabouts, signalized, and unsignalized intersections, rural highways, and the effects of mass transit, pedestrians, and bicycle on the performance of these systems.

Highway Safety Manual (HSM)

A publication published by the American Association of State Highway Transportation Officials. It contains concepts, guidelines, and computational procedures for predicting the safety performance of various highway facilities. The HSM was published in 2010 and is divided into four sections: Part A - Introduction, Human Factors, and Fundamentals of Safety; Part B – Roadway Safety Management Process; Part C – Predictive Methods; and Part D – Crash Modification Factors.

Horizon Year

A Traffic Impact Study analysis year (usually the year a new development is expected to open) which forecasts expected traffic demands and roadway conditions based on trip generation, historical annual growth, regional model forecasts, anticipated adjacent development, and expected roadway construction projects. Capacity and queue analysis are then calculated under these forecasted conditions. Horizon years should be coordinated with the City Engineer during the scoping process of a Traffic Impact Study if needed.

Intersection Sight Distance

The distance along the through street that, from the perspective of a driver waiting at a driveway or street intersection, provides the driver with a sufficient line of sight to ascertain whether it is safe to attempt to turn onto or cross the through street.

Joint Use Connection

A single access point connecting two or more contiguous sites to a public roadway that serves more than one property or development, including those in different ownership or in which access rights are provided in legal descriptions.

Level of Service (LOS)

A qualitative measure describing the operational conditions within a stream of traffic. The measure uses factors such as speed, travel time, ability to maneuver, traffic interruptions, safety, waiting periods (delay), and driver comfort and convenience. LOS is represented by one of the letters A through F, where A designates free flow and F the most congested.

Local Road

Local streets are intended solely to provide access to abutting properties, carry low traffic volumes, serve short trips, and provide connections to higher category streets.

Major Arterial Classification

These streets are of regional importance and are intended to serve high volumes of traffic traveling relatively long distances. This category is intended primarily to serve through traffic and access is limited. Access to National Highway System roadways must be obtained from the Nebraska Department of Roads in consultation with the Director of Public Works and Utilities or designee. Access to Major Arterials that are not on the National Highway System must be obtained from the City Engineer or designee.

Manual of Uniform Traffic Control Devices (MUTCD)

A publication issued by the Federal Highway Administration (FHWA) to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used. These specifications include shapes, colors, and fonts used in road markings and signs. In the United States, all traffic control devices must legally conform to these standards. The manual is used by state and local agencies as well as private construction firms to ensure that the traffic control devices they use conform to the national standard. The National Committee on Uniform Traffic Control Devices (NCUTCD) advises the FHWA on additions, revisions, and changes to the MUTCD.

Median

The portion of a highway separating opposing traffic flows. Medians can be depressed, raised, or flush with the traveled way, as well as traversable or non-traversable.

Median Opening

An opening in a non-traversable median that provides for crossing and/or turning traffic.

Partial Movement Driveway

A driveway that restricts some turn movements to and from the adjacent roadway. This could include the elimination of left-turn in or left-turn out to/from the driveway.

Other Minor Arterials

This category is similar in function to Arterial Classification but operates under lower traffic volumes and speeds serve trips of shorter distances and provide a higher degree of property access than Arterial Classification.

Peak Hour

The 60 minutes during 24 hours in which the largest number of vehicles passes over a designated section of a roadway.

A Policy on Geometric Design of Highways and Streets (AASHTO Green Book)

A publication that provides guidance in the functional design of roads and highways including such things as the layout of intersections, horizontal curves, and vertical curves.

Queue

A line of vehicles waiting to act, such as waiting at a traffic signal or turning left from the roadway to an access drive.

Side Street Access

Access is taken from the cross-street (either collector or local street) versus taking direct access to an arterial roadway.

Sight Distance

The distance that is visible to the driver of a passenger vehicle is measured along the normal travel path of a roadway from a designated location and to a specified height above the roadway when the view is unobstructed by traffic.

Sight Triangle

An area of unobstructed sight distance along both approaches of an access connection.

Stopping Sight Distance

The distance required by a driver of a vehicle traveling at a given speed to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception and reaction times and the vehicle braking distance.

Storage Length

Additional lane footage added to a deceleration lane to store the maximum number of vehicles likely to accumulate during a peak period so as not to interfere with the through travel lanes.

Taper

The widening of pavement to allow the redirection and transition of vehicles around or into an auxiliary lane. There are two types of tapers: (a) redirect tapers necessary for the redirection or horizontal shifting of vehicles along the traveled way and (b) transition tapers for auxiliary lanes that allow the turning vehicle to transition from or to the traveled way or to or from an auxiliary lane.

Temporary Access

Access that is permitted for use until alternative access becomes available.

Throat Length

The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right or a left turn. On roadways with a curb and gutter, the throat length is measured from the face of the curb. On roadways without a curb and gutter, the throat length is measured from the edge of the shoulder.

Throat Width

The distance from the edge of pavement to the edge of the pavement for a driveway is measured at the right-of-way line.

Traffic Count

A tabulation of the number of vehicles, trucks, bicycles, or pedestrians passing a certain point during a specific period.

Traffic Impact Study

A report analyzing anticipated roadway conditions with and without an applicant's development. The report includes an analysis of mitigation measures and a calculation of fair share financial contributions.

Trip

A single or one-directional vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the highway and entering a property is one trip; the vehicle leaving the property is a second trip.

Trip Distribution

The proportion of vehicles or passenger movements that are or will be made between geographic areas.

Variance

Permission to depart from a regulatory standard when conditions at a location are such that compliance with the standard requirement is impractical or will result in an unsafe situation.

Vehicles per Hour (vph)

The number of vehicles passing a point on a roadway or traveling on a specific segment of roadway in a one-hour (60 minutes) interval of time.

Warrant

The criteria by which the need for a safety treatment or roadway improvement can be determined.

Appendix A: City of Beatrice Request for Deviation

City of Beatrice Request for Deviation

A request for deviation must be complete and submitted in writing to the City Engineer or designee and may be approved if it satisfies the requirements outlined in the City of Beatrice Access Management Policy. The City Engineer has ten (10) working days from receipt of a completed form to approve or deny such a request. The City Engineer reserves the right to request additional information from the Applicant to make a determination.

Property Owner: _____

Applicant Name: _____

Contact Phone: _____ Email: _____

Property Address/Location: _____

Deviation(s) Requested:

Justification for deviation(s):

Signature _____ Date _____

Attach maps, drawings, and other information to aid in understanding the request for deviation.

City of Beatrice Use Only	Comments: _____
Date Received: _____	_____
Deviation: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____

Signature _____ Date _____
City Engineer

cc: Nebraska Department of Transportation (if involving a State Highway)

RESOLUTION NUMBER 7228

WHEREAS, Certain transportation facilities (roads, streets, trails, and others) in the City of Beatrice, Nebraska have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

WHEREAS, the City of Beatrice, Nebraska desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, the Nebraska Department of Transportation as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

WHEREAS, the City of Beatrice, as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the **Americans with Disabilities/Section 504 – Civil Rights Policy** of City of Beatrice, Nebraska; and

WHEREAS, the City of Beatrice, Nebraska understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Beatrice, Nebraska being required to repay some or all of the federal funds expended for a project(s).

BE IT RESOLVED, the City of Beatrice, Nebraska, City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of the City of Beatrice, Nebraska.

BE IT FURTHER RESOLVED, The City of Beatrice, Nebraska, City Council does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: City Administrator.

RESOLUTION PASSED AND ADOPTED this 20th day of February, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor

CITY OF BEATRICE, NEBRASKA

Section 504 – Rehabilitation Act of 1973 Americans with Disabilities Act of 1990

POLICY STATEMENT

The *City of Beatrice, Nebraska* will ensure that no qualified individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). *City of Beatrice, Nebraska* further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

An individual with a disability is defined by the ADA as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified individual with a disability in the United States, as defined in section 7(20), shall, solely by reason of her or his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 27.13 - Designation of responsible employee and adoption of complaint procedures.

- (a) *Designation of responsible employee.* Each recipient shall designate at least one person to coordinate its efforts to comply with this part.
- (b) *Adoption of complaint procedures.* A recipient shall adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part and 49 CFR parts 37, 38, and 39. The procedures shall meet the following requirements:
 - (1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the recipient's Web site;
 - (2) The procedures must be accessible to and usable by individuals with disabilities;
 - (3) The recipient must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant by a means that will result in documentation of the response.

49 CFR Part 28.102 - Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation.

This part applies to all programs or activities conducted by the Department except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.

28 CFR Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services. The purpose of this part is to implement subtitle A of Title II of the Americans with Disabilities Act of 1990 (ADA Amendments Act) which prohibits discrimination on the basis of disability by public entities.

49 CFR Part 27 - Nondiscrimination on the Basis of Disability in Programs and Activities Receiving Federal Financial Assistance.

The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

49 CFR Part 28-140 - Employment

- (a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department.
- (b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1614.101 – Federal Sector Equal Employment Opportunity.

It is the policy of the Government of the United States to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, or genetic information and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.

42 USC Part 12101-12213 - The Americans with Disabilities Act of 1990.

No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

ADA Coordinator

City Clerk

400 Ella Street

Beatrice, NE 68310

(402) 228-5200

Monday – Friday 8 AM to 5 PM

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

The responsibilities for the ADA Coordinator include: monitoring the City's current policies and practices for implementing ADA/504; identifying shortcomings in compliance and developing remedies; evaluating remedial steps taken to eliminate the effects of discrimination; monitoring complaint procedures that incorporate appropriate due process standards and providing for prompt and equitable resolutions of complains alleging an action prohibited by ADA/504; processing the disposition of complaints field under ADA/504; ensuring City compliance with ADA/504; collaborating and coordinating with the heads of major divisions and departments to enable ADA/504 compliance efforts; establishing and maintaining collaborative relationships with critical external stakeholders, such as disability advocacy groups and organizations; monitoring the City's ADA/504 Transition Plan to ensure that all department facilities remain in compliance with applicable accessibility standards; monitoring established procedures to ensure that requested auxiliary aids are provided for persons; conducting annual reviews of ADA/504 program areas; conducting ADA/504 training programs for managers and employees; preparing a report of ADA/504 accomplishments and problem areas for the NDOT Annual Report to FHWA;

monitoring the preparation of ADA/504 information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation, upon request; and identifying, investigating, and eliminating ADA/504 discrimination when found to exist.

SECTION 504/ADA NOTICE TO PUBLIC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Beatrice, Nebraska will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

City of Beatrice, Nebraska does not discriminate on the basis of disability on the basis of disability in its hiring or employment practices and complies with the ADA Title I employment regulations.

City of Beatrice, Nebraska will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

City of Beatrice, Nebraska will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in City of Beatrice, Nebraska offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of City of Beatrice, Nebraska should contact City of Beatrice, Nebraska ADA Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Contact Information:

Name and Title: Erin Saathoff, City Clerk
Phone Number (Voice/TDD): 402-228-5200
Office Address: 400 Ella Street, Beatrice, NE 68310
Days/Hours Available: Monday – Friday, 8 AM to 5 PM

SECTION 504/ADA SELF-EVALUATION

The City of Beatrice, Nebraska completed a self-evaluation in the early 1990s. To complete the evaluation, the City of Beatrice, Nebraska conducted a review of all of the public facilities to determine which structures were readily available to those with a handicap and those which had an architectural barrier.

SECTION 504/ADA TRANSITION PLAN

The City of Beatrice, Nebraska completed an updated transition plan in 1995, which listed a number of proposed changes to be made to meet the ADA standards at the various City facilities. A number of the proposed changes have been made and the City has an ongoing process of continually upgrading its facilities to meet the ADA standards.

COMPLAINT PROCEDURES

See the ADA Grievance Policy adopted by the City of Beatrice, Nebraska.

REASONABLE ACCOMMODATION PROCEDURES

See the Reasonable Accommodation Policy adopted by the City of Beatrice, Nebraska.

INFORMATION OF ACCESSIBLE FACILITIES AND PROGRAMS

All interested people can obtain information as to the existence and location of accessible services, activities, and facilities on the City's website. www.beatrice.ne.gov

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the *(name of LPA)*, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified person shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The *City of Beatrice, Nebraska* further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.



Signature of Responsible Agency Official

Tobias J. Tempelmeyer, City Administrator
Name and Title of Responsible Agency Official (please print)

2-20-24

Date

CITY OF BEATRICE, NEBRASKA

**TRANSITION PLAN FOR IMPLEMENTING
REQUIREMENTS
OF
TITLE III OF THE
AMERICANS WITH DISABILITIES ACT**

**March 1, 1994
Updated - March 1, 1995**

TRANSITION PLAN
CITY OF BEATRICE, NEBRASKA

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OVERVIEW

The intent of the Americans with Disabilities Act is to provide persons with disabilities with accommodations and access equal to, or similar to that available to any other persons. It should be kept in mind the ADA is a civil rights law; it is not a building code. It will not be enforced as a building code. It will be enforced as other civil rights laws are enforced.

The Americans with Disabilities Act defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities such as: sight, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, or working. Places of public accommodation and commercial facilities are not subject to the same requirements. Both places of public accommodation and commercial facilities (which may include many facilities that are not places of public accommodation) are, however, subject to the Title III requirements for existing facilities, new construction, and alterations. In addition to these requirements, places of public accommodation must be operated in accordance with the full range of Title III requirements, such as nondiscriminatory eligibility criteria; reasonable modifications and policies, practices and procedures; provisions of auxiliary aids and removal of barriers in existing facilities.

It should be noted that while the ADA mandates equal opportunities to publicly owned facilities it does not guarantee that an individual with a disability will achieve an identical result, or level of achievement in this regard, as persons without disabilities. However, individuals with disabilities must be integrated to the maximum extent appropriate. The City must maintain in working order equipment and features of the facilities which may be required to provide ready access or barrier removals to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited, however, where at all possible, alternative access should be provided in these instances. In providing an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or ornamental plants. Although it is recognized that mechanical failures and equipment (such as elevators or automatic doors) will occur from time to time, the obligation to ensure that facilities are readily accessible and usable by individuals with disabilities would be violated if repairs are not made promptly, or if improper or inadequate maintenance causes repeated and persistent failures.

It is recognized that the City must permit the use of a service animal by an individual with a disability. Service animals include any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. The tasks typically performed by service animals include guiding people with impaired vision, alerting individuals with impaired hearing to the presence of intruders or sounds providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items. The care or supervision of a service animal is the responsibility of his or her owner not the facility owner. The City will not require an individual with a disability to post a deposit as a condition to permitting a service animal to accompany its owner throughout its facility.

The City of Beatrice will in all likelihood provide auxiliary aids and services which may be necessary to ensure equal access to all facilities. This obligation will, however, extend only to individuals with disabilities who have physical or mental impairments such as vision, hearing, or speech impairments which substantially limit the ability to communicate. In order to provide equal access, the City may be required to make available auxiliary aids in services where necessary to ensure communication. This may include interpreters, note takers, computer aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids (where required) closed captioned decoders, open and closed captioning, telecommunications for deaf persons, video text displays and exchange of written notes. For persons with visual impairments this may include qualified readers, taped text, audio recordings, Braille materials, large print materials, and assistance in

locating services. Examples of equipment which may be necessary for individuals with speech impairments include TDD's, computer terminals, speech synthesizers and communication boards.

The City will remove architectural barriers and communication barriers that are structural in nature in existing facilities. Architectural barriers are physical elements of a facility that impede access by people with disabilities. These barriers include more than obvious impediments, such as steps and curbs that prevent access by people who use wheelchairs. In some of our facilities, telephones, drinking fountains, mirrors, paper towel dispensers must be relocated to a height that makes them accessible to people using wheelchairs. Conventional doorknobs and operating controls which impede access by persons having limited manual dexterity must be replaced with those which are operable by such persons.

With respect to those barriers which are viewed as readily achievable to remove, there is no definitive answer to this question because the determinations as to which barriers can be removed without much difficulty or expense must be made on a case by case basis. However, the regulations contain a list of 16 examples of modifications that may be readily available.

- 1) Installing ramps
- 2) Making curb cuts and ramps in sidewalks and building entrances
- 3) Repositioning shelves
- 4) Rearranging tables, chairs, vending machines, display racks and other furniture;
- 5) Repositioning telephones
- 6) Adding raised markings on elevator control buttons
- 7) Installing flashing alarm lights
- 8) Widening doors
- 9) Installing offset hinges to widen doorways
- 10) Installing accessible door hardware
- 11) Installing grab bars in toilet stalls
- 12) Rearranging toilet partitions to increase maneuvering space
- 13) Insulating lavatory pipes under sinks to prevent burns
- 14) Installing a raised toilet seat
- 15) Repositioning the paper towel dispenser in a bathroom
- 16) Creating designated accessible parking spaces

This list is intended to be illustrative. Whether or not any of these measures is readily achievable is to be determined on a case-by-case basis in light of the particular circumstances presented and the factors discussed in the survey. Deep pile carpeting on floors and unpaved exterior ground surfaces have been found at some facilities as a barrier for access by persons who use wheelchairs and others who may use other mobility aids such as crutches.

The communications barriers which must be addressed in the City's facilities that are structural in nature are barriers that are an integral part of the physical structural of a facility. Examples include conventional signage which generally is inaccessible to people who have vision impairments and audible alarm systems which are inaccessible to people with hearing impairments. Structural and communication barriers may also include the use of physical partitions that hamper the passage of sound waves between employees or employees and the service users, and the absence of sound buffers in noisy areas which will reduce the extraneous noise that interferes with the communication with people who have limited hearing. It is understood that the broad term "facility" includes all or any part of a building structure, equipment, vehicle, site (including roads, walks, passageways and parking lots) or other real or personal property. Both permanent and temporary facilities are subject to the barrier removal requirements.

In attempting to determine where barriers exist, the various departments of the City of Beatrice have evaluated each of their facilities. In undertaking the survey of its facilities, each department has checked its available plans, established a survey team with checklists in hand, performed a "walk through", noting areas on plans, or typical schematics, considered technical assistance required, determined the various approaches for solving the various barrier removal problems. For the most part, because of the number of its facilities, it has been necessary for the City to survey the facilities in segments. In each case, each department has surveyed and developed a plan for compliance with the requirements of the ADA. Barrier removal alternatives have been discussed, and all departments will have developed a list of priorities of what is most readily achievable. The self-evaluation plan, job descriptions and the transition plan have also been reviewed by the League of Human Dignities, and their comments have been (or will at the next change period) incorporated into the overall plan.

It should be noted that many facilities are not open to the public, and those facilities, therefore, are not included in this plan. That is not to say that at some future date employee accommodations may require alternations to these facilities. The City fully intends to undertake those employee accommodations as required under the law. It is also understood there are other related or non-related requirements in conjunction with the provision of services and programs. This plan does not include any references to such services or programs. It is intended to address facilities only. As regards any new facilities, the City of Beatrice intends to fully comply with all the requirements of the Americans with Disabilities Act.

GENERAL STATEMENT

In the first year of the Plan, the City of Beatrice will implement those items that are identified in the individual department reports as readily achievable. The remainder of the items to be addressed will be accomplished within the remaining 2-year period.

Some departments (buildings and ground) have multiple locations, indoor as well as outdoor, throughout the City and will make the major parks totally accessible to the public on a more immediate basis.

Several departments' facilities provide either small percentage or no on-site public service (Fire Department, Board of Public Works Service building). Where they do offer some direct public service or space, it will be situated in an accessible location within the total facility.

Some department facilities which are not generally open to the public (Fire Department, etc.) offer tours to the public and these special occasions at these facilities have been interpreted by the City Attorney as not requiring compliance with the ADA standards.

In all City facilities where public pay phones are available, the local telephone company has advised they will change the volume control, hearing aid compatibility and cord length to bring them into compliance. They will also adjust the height of any telephone installations not yet in compliance. This will be accomplished upon request by the City, based upon equipment availability and time constraints of the Lincoln Telephone Company, but, in any event, will be accomplished within the prescribed 3-year period.

The City will have a complaint process available to the public in the event concerns arise about compliance with ADA standards. Complaint forms will be available in each department's administrative offices and the completed form will be submitted to the affected department head. The department head will forward a copy of the complaint and a proposed response and resolution, if applicable, to the City ADA Coordinator for review and action. Responses to such complaints will be returned to the complainant within 30 days of receipt of the written complaint. A log will be kept of all such complaints filed and responses and resolutions thereof. This procedure is to ensure compliance and is not intended to be in place of the prescribed complaint process established by the Department of Justice. It will, however, provide a record of the City's intentions to meet the ongoing needs of disabled persons.

This transition plan has been developed with the cooperation of the various City and Board of Public Works departments and assembled for submission by James W. Bauer. Copies of the plan will be available through the City Clerk's office, 205 North 4th, Beatrice, Nebraska. Copies will also be located in the various department administrative offices and the public library by April 1, 1994. The public will be advised by legal notices of the availability of this plan and where they may review it. Comments and suggestions will be received for review and inclusion in this document. It is the City's intent to attempt to resolve problems before they may arise. The City is pro-active in compliance.

The transition plan will then be continuously updated by any necessary amendments. The original copies in the City Clerk's office will be kept current at all times. Copies of amendments will be distributed to all other locations as they occur.

Following the submittal of this transition plan, those departments who have not indicated the items to be accomplished first will do so, and, to the extent practical, will produce a schedule for the remainder of the 3-year period.

LIST OF FACILITIES

1. City Auditorium
2. City Library
3. BPW Service Building
4. Water Pollution Control Facility
5. City Parking Lots
6. City Parks
 - A. Major Parks
 - 1) Hannibal
 - 2) Chautauqua
 - 3) Riverside
 - B. Neighborhood Parks
 - 1) Astro
 - 2) Nichols
 - 3) Rozells
 - 4) Robertson
7. Streets
8. Pool

POOL FACILITY

RIVERSIDE POOL:

Ollson and Associates have done a facility study for the pool that addresses handicap accessibility for parking, bathhouse and pool usage. These modifications will be completed with pool renovation in FY 94 or 95.

In late 1994, a sub-committee was appointed to look into a new pool facility or further renovations. No modifications have yet been completed.

A complete copy of this study is on file at the City Clerk's Office, 205 North 4th, Beatrice, Nebraska 68310.

CITY AUDITORIUM

The City Auditorium has been handicap accessible for several years. Due to the heavy public usage, priority will be given to meeting the ADA Standards whenever possible. Consideration also needs to be given to the historic value of the facility and caution needs to be extended so as not to alter the physical integrity of the building.

CITY AUDITORIUM, MAIN LEVEL:

Serves public access to the Police Department, Council Chambers, City Clerk/City Attorney, City Administrator, Public Works and gymnasium.

Priority 1:		<u>Calendar Year Complete</u>
Replace Entrance Door and Closures on all entrances to facility.	\$12,300	
Install hand railing on both sides of Main Entrance.	\$ 1,300	
Install sidewalk from Main Entrance to BPW and P.D. (Will eliminate railings on two side entrances.)	\$ 600	1994
Install permanent drop off area adjacent to main center ramp. To include both van and vehicle parking. One (1) sign required. Minimum 16' wide x 96" of vertical clearance.	\$ 50	1995
Install signage as required to direct traffic to specific area.	\$ 250	1995
 Priority 2: Access to Goods and Services.		
Due to the limited space within the occupied offices, wheel chair mobility accommodations will be extremely difficult to achieve for either the public or employees.		
The main access to the gymnasium cannot meet the rise to run ADA guidelines without assistance or major modification. Also the stage area has no ramp nor can modifications be made to meet the requirements.		
Install railing on both sides of gym entrance.	\$ 600	
Install lever door handles on BPW, Clerk's and Council Chambers	\$ 400	
Install entrance door to Police Department.	\$ 1,400	
All circulation corridors will require signage designating permanent rooms \$550 and spaces, i.e.: restrooms, exits and room numbers.	\$ 550	1995
Floor Directories will be installed in main lobby.	\$ 1,000	

Install drop down office counters in the Board of Public Works and Clerk's Office, not to exceed 34" in height. \$ 1,100

Priority 3: Restrooms:

Restrooms do not comply with ADA Standards, however are accessible under the old standards. Size of room will not allow a 3' x 5' stall without losing seating capacity. Limited access to Powder Room.

Install signage on handicap stall. \$ 300 1995

Install new door closure on Women's Restroom. \$ 85

Lower mirrors or replace to maximum height of 40". \$ 150
Maintain soap dishes and towel dispensers at less than 48".

Priority 4:

Drinking fountain on main floor is questionable as to reach accessibility. \$ 1,200

Replace telephone with TDD and identify with signage. \$ 150

CITY AUDITORIUM, SOUTH ENTRANCE / LOWER LEVEL:

Serves public access to the Inspections, Engineering, Housing Authority, Mayor, Public Properties and Fire Department offices and Fire Department Administration.

Priority 1:

Install Handicap Parking Stall to serve lower level offices and Fire Department. Install directional sign on Ella Street. \$ 150

Install handrail on ramp north wall of building. (Handrail on south retaining wall.) \$ 450

Replace concrete pathway from handicap parking stall to building ramp. \$ 750

Replace closure on south entrance door to meet 5# pull capacity. (Seasonal wind force will create problems with door opening.) \$ 150

Install signage as required to direct traffic to specific areas. \$ 250 1995

Priority 2: Access to Goods & Services

Door access to Fire Department Administrative offices does not meet ADA width requirements, however west entrance door allows access to the bay area and captain area.

Install lever handles on all public area doors.	\$ 300
Install directional signage board for all permanent rooms, restrooms and exits.	\$ 150
Replace railing from lower level to main level (exiting railing does not extend beyond stairs.)	\$ 600
Install office counters in the Housing Authority and Inspections Office(not to exceed 34" in height.)	\$ 1,000

Priority 3: Restrooms

Restrooms do not comply with ADA Standards, however are accessible under old standards. Size of room will not allow a 3' x 5' stall.

Install handles and signage on handicap stalls.	\$ 300
Install door closures on both men's and women's entry door.	\$ 250
Move sink in women's restroom to accommodate wheel chair usage. Sink in men's restroom will be difficult to make completely accessible due to proximity to wall and urinal.	\$ 400
Both restrooms- Lower mirrors or replace to maximum height of height of 40". Maintain soap dishes and towel dispensers at a height of less than 48".	\$ 150

Priority 4:

Replace water cooler in main hall with height accessible unit. Will need cane detection.	\$ 1,250
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No priority has been established or a decision made regarding the following items:

Necessity for chair lift from Main Level to Lower Level.	\$ 6,500
Access to mezzanine level that is serving Red Cross and Clean City offices.	\$ 6,500
Emergency Egress- ADA compliance standards require both audible and visual warning assistance. Will require a complete wiring network for the Auditorium and the installation of a notifier panel.	\$ 30,000
Hearing assistance for either the gym or council chambers has not been addressed in this compliance summary.	\$ 800

1994 ?

LIBRARY

Two sets of #5 closures per door.	\$	500	
Curb cut for entrance from back parking lot for employees.	\$	300	1994
Signage for restrooms and meeting rooms.	\$	400	1995

CITY PARKING LOT

The City owns 8 parking lots as follows:

Location	# Parking Stall	Exist. Handicap Stall	# of ADA Stall
1. 300 Block of Ella	18	0	0
2. 300 Block of Court	24	1	1
3. 4th & Ella	53	1	3
4. 700 Block of Court	45	1	2
5. Auditorium Employee Parking lot	30	0	0
6. Library Parking Lots			
West (Patrons)	31	2	2
East (Employee)	8	0	1
7. Service Bldg Parking Lot	No specific parking stall layout		
8. WPC parking lot	No specific parking stall layout		

Note: For each lot one van accessible stall w/96" aisle is necessary

Work necessary to correct each of our parking lots is as follows:

Priority 1

1. 300 Block of Court - Stripe an 8' aisle adjacent to the existing stall and add the van accessible sign. \$150
2. 4th & Ella - Remove existing handicapped stall and place 8' wide stall with an 8' aisle and mark with van accessible sign and stripe two more 8' handicapped stalls with 60" aisles adjacent to the existing stall and sign properly. \$450
3. 700 Block of Court - Restripe the existing handicapped stall of least 8' wide with an 8' aisle and mark with van accessible sign. Stripe one more 8' handicapped stall with 60" aisle adjacent to the existing stall and sign properly. \$300
4. Library Parking Lots:
 - West (Patrons) This parking lot has ADA parking completed.
 - East (Employee) - Convert two existing stalls, one 8' wide with 60" aisle for handicapped stall and sign and stripe it handicapped. A handicapped ramp will also have to be installed to get to the building. \$300 1994

5. Service Building Parking Lot

Employee Parking - Will need to designate a handicapped stall, if a handicapped employee is hired.

Customer Parking - Designate an 8' handicapped stall with 8' aisle striped and signed handicapped and van accessible in front of the building. A ramp will also have to be constructed to get to the building.

\$100

6. WPC Parking Lot

Employee parking - Will need to designate a handicapped stall, if a handicapped employee is hired.

Customer Parking - Designate an 8' handicapped stall with 8' aisle striped and signed handicapped and van accessible in front of the building. A ramp will also have to be constructed to get to the building.

\$500

PARKS

All park restrooms were made service accessible in 1978. The restroom stall size for a wheelchair user does not meet the new standards and may create a problem unless construction is considered.

In considering a hard surface "path of travel" to services within the different parks, the NPRA (National Park & Recreation Association) guidelines were used in an attempt to accommodate the high traffic areas for handicap accessibility.

Under NPRA guidelines for handicap accessibility, three (3) out of every ten (10) playgrounds are recommended to have a solid path of travel, modified playground structures and a resilient cushion under the units wherever possible.

Neighborhood parks will not be made accessible at this time. As drinking fountains and playground equipment are added or replaced, accessibility requirements will be taken care of at that time.

CHAUTAUQUA PARK

It is recommended that the tabernacle, restroom, arboretum and the playground areas adjacent to the tabernacle have a hard surface path installed to accommodate a wheelchair user.

The camping area is accessible by a ramp that does not meet ADA requirements. It is our intention to rebuild this ramp to ADA specifications upon the completion of the priority schedule. Until that time, this bathroom is easily accessible from the topside landing.

To make the tennis courts at Chautauqua Park ADA accessible, it will require a major overall of the present ramp system. Following completion of the park priority list we will start this renovation.

Priority 1:

Install 750' of hard surface path (5' wide) from parking lot to tabernacle and restroom.	\$4,687.00	1994
Install hard surface pad and signage for three (3) parking stalls. One van accessible and two car accessible.	\$2,000.00	1994
Install telephone at proper height	NC	1994
Install signage for direction of travel and restroom accommodations.	\$ 225.00	1995
Replace closures on both shower and restroom doors. Maximum .	\$ 900.00	
#5 pullInstall anti-scald valve on showers.	\$ 400.00	1994

Priority 2:

Provide seating for three (3) wheel chair users in each section of the \$ 600.00
tabernacle (total of 6).

Rearrange seating to provide a minimum of 5' isles between tables in both NC
shelters and tabernacle.

Add modular playground equipment and access pad \$2,510.00
to existing unit south of the tabernacle.

RIVERSIDE PARK

It is recommended that the shelter west of the tennis courts, the west shelter and restroom have
a hard surface path installed to accommodate a wheelchair user.

Priority 1:

Install 285' hard surface path (5' wide). \$1,781.00 1994

Install signage for direction of travel and restroom \$ 225.00 1995
accommodations.

Install door closure on restroom doors. \$ 300.00

Priority 2:

Provide seating for two (2) wheelchair users in double \$ 200.00
shelter and one (1) for the west shelter.

Priority 3:

Install lever handles on restroom sinks. \$ 300.00

Install handicap drinking fountain on restroom building. \$ 600.00 1994

HANNIBAL PARK

As a result of high traffic area within the ballfield complex area, accessibility to the seating,
concession stand and to the restroom is proposed as a number one priority.

Priority 1:

Install 300' of hard surface path 5' wide. \$1,987.00 1994

Parking lot paint and signage for one (1) van accessible \$ 250.00
parking stall for ballfields and one (1) side by side
parking stall for green restrooms.

Install signage for direction of travel and restroom accommodations. \$ 50.00 1995

Two (2) bathroom sinks on front restroom. \$ 300.00

Install new door closures on both restrooms. Maximum #5 pull. Priority 2:	\$ 600.00	1994
Install handicap stool in front restroom	\$ 450.00	
Install lever handles on all restroom sinks.	\$ 600.00	
Priority 3:		
Miracle playground playset #712-010	\$20,360.00	
Tennis court accessibility.	\$ 500.00	

HANDICAPPED RAMPS AT INTERSECTION CORNERS
ALONG STATE HIGHWAYS THROUGH BEATRICE

Highway 136 from 6th Street to the east end of Beatrice has handicapped ramps installed at all corners of the intersections. The plan this year is to complete Highway 136 from 6th Street to the Big Blue River and then start at Lincoln Street on Highway 77 and work north until we reach Sargent Street. Once north Highway 77 is complete, south Highway 77 will be completed and then finish west Highway 136. The City budgets annually \$30,000 for this work. A map is on file at the City Engineer's Office in the City Auditorium at 205 North 4th Street (lower level) showing this plan. This work has been partially completed and we will continue to change out those intersection corners as budget and workload allow.

INTERSECTIONS COMPLETED DURING 1994

1. 3RD AND MARKET
 - a. N.E. COR
 - b. S.W. COR
 - c. S.E. COR
2. 5TH AND MARKET
 - a. S.W. CORNER
3. 6TH AND JEFFERSON
 - a. N.E. CORNER
 - b. S.E. CORNER
4. 6TH AND SUMMIT
 - a. N.E. CORNER
 - b. S.E. CORNER
5. 6TH AND LOGAN
 - a. N.W. CORNER
 - b. S.W. CORNER
6. 6TH AND GARFIELD
 - a. ALL CORNERS COMPLETE
7. 7TH AND ARTHUR
 - a. N.E. CORNER
8. 8TH AND JEFFERSON
 - a. N.E. CORNER
 - b. S.E. CORNER



**STAKE
YOUR
CLAIM**

BEATRICE
CITY • BOARD OF PUBLIC WORKS

**CASH RESERVE
POLICY**

**CASH RESERVE POLICY
CITY OF BEATRICE, NEBRASKA**

The City of Beatrice (City) provides a wide range of services that have an impact on the public safety and quality of life of community members. This reserve policy is meant to serve as the framework upon which consistent operations may be built and sustained.

The Nebraska Budget Act states that the total cash reserve for the City shall not exceed fifty percent (50%) of the total budget adopted exclusive of capital outlays. With this statutory cap in mind, the City Council desires to establish cash reserve funds for the City.

ESTABLISHMENT OF A CASH RESERVE FUND

The City, Electric Department, Water Department, and WPC Department shall each establish a Cash Reserve Fund.

PURPOSE OF CASH RESERVES

The purpose of cash reserves is to enhance long-term financial planning and mitigate the risk associated with changes in revenues due to economic and local market conditions, to ensure adequate cash flow is available for timely payment of bills, to ensure timely completion of capital improvements, to meet requirements for large unexpected expenditures, and to maintain financial flexibility to help reduce the need for rate increases.

Establishing a cash reserve helps ensure cash exists to pay expenses in a timely manner, maintain the City's creditworthiness, and to adequately provide for economic and Legislative uncertainties. Cash reserves allow the City to handle future short term economic downturns or emergencies without cutting services or increasing rates.

Catastrophic events may occur that require substantial investments to replace damaged assets. The City may be able to recover the cost of damages from catastrophic events such as flooding, ice storms, and tornados; however, reimbursements from the Federal Emergency Management Agency (FEMA) can take up to two (2) years to recover. The City should ensure adequate cash reserves exist to replace the assets in a timely fashion and to arrange short-term financing options.

LEVEL OF CASH RESERVE

City

The City shall establish a Cash Reserve Fund with a targeted minimum of 50% of the total budgeted annual expenditures of the previous fiscal year no later than September 30, 2030 according to the following schedule:

- September 30, 2018 – 15% of the total budgeted annual expenditures for FY17
- September 30, 2019 – 17% of the total budgeted annual expenditures for FY18
- September 30, 2020 – 20% of the total budgeted annual expenditures for FY19
- September 30, 2021 – 25% of the total budgeted annual expenditures for FY20
- September 30, 2022 – 26% of the total budgeted annual expenditures for FY21
- September 30, 2023 – 29% of the total budgeted annual expenditures for FY22

September 30, 2024 – 32% of the total budgeted annual expenditures for FY23
September 30, 2025 – 35% of the total budgeted annual expenditures for FY24
September 30, 2026 – 38% of the total budgeted annual expenditures for FY25
September 30, 2027 – 41% of the total budgeted annual expenditures for FY26
September 30, 2028 – 44% of the total budgeted annual expenditures for FY27
September 30, 2029 – 47% of the total budgeted annual expenditures for FY28
September 30, 2030 – 50% of the total budgeted annual expenditures for FY29

Electric Department

The Electric Department shall establish a Cash Reserve Fund with a targeted minimum of 50% of the total budgeted annual expenditures of the previous fiscal year (excluding purchased power costs) plus the average of three (3) months of purchased power costs.

Water Department

The Water Department shall establish a Cash Reserve Fund with a targeted minimum of 50% of the total budgeted annual expenditures of the previous fiscal year.

WPC Department

The WPC Department shall establish a Cash Reserve Fund and shall reach the targeted minimum of 50% of the total budgeted annual expenditures of the previous fiscal year.

HEALTH INSURANCE RESERVE

The City finds that it is economically justifiable for the City to self insure its health insurance. A single Health Insurance Account was established with both the City and Board of Public Works (BPW) contributing based on the number of employees. Said Health Insurance Account shall maintain a minimum cash reserve to enable the City endure the years in which it experiences higher than anticipated health insurance claims.

The City shall establish a Health Insurance Reserve Fund with a targeted minimum of two (2) times the average medical claims per month plus one-half (1/2) times the average pharmacy claims per month.

USE OF CASH RESERVES

To the extent that there is an imbalance in the City's General Fund or a BPW's department budget between revenues and expenditures, the City Council, BPW Board, and Administration will strive to address the imbalance first with revenue increases, expenditure reductions, or a combination of both.

If an imbalance in the General Fund or a BPW's department budget occurs that cannot be addressed with prudent revenue increases and/or expenditure reductions, a multi-year plan shall be developed to address the imbalance concurrently with the planned draw down of the Cash Reserve Fund. The implementation of the replenishment plan will be done in accordance with the guidelines below (see "Replenishment of Reserves"). A planned draw down of the fund's reserves should: a) not exceed 50% of the balance in the Cash Reserve Fund, and b) not reduce the reserve below 10% of budgeted annual expenditures.

BUILD UP OF CASH RESERVES

Cash Reserve Fund may be increased by any means, including, but not limited to, budgeting funds to be strictly used to increase the Cash Reserve Fund or directing unused budgeted funds into the Cash Reserve Fund.

REPLENISHMENT OF RESERVE FUNDS

The following criteria will be used to restore the Cash Reserve Fund based upon the remaining Cash Reserve Fund balance compared to the targeted minimum reserve guidelines:

1. If the Cash Reserve Fund is drawn down by less than 10%, then a budgetary plan to replenish the Cash Reserve Fund shall be structured over a one (1) to three (3) year period.
2. If the Cash Reserve Fund is drawn down by 10-25%, then a budgetary plan to replenish the Cash Reserve Fund shall be structured over a three (3) to five (5) year period.
3. If the Cash Reserve Fund is drawn down by more than 25%, then a budgetary plan to replenish the Cash Reserve Fund shall be structured over a five (5) to seven (7) year period.

TRANSFER BETWEEN RESERVE FUNDS

The City Council may, at their discretion and as deemed necessary, loan funds between the various Cash Reserve Funds; however, said loan shall be shown as a receivable by the Department loaning the money and as a payable by the Department receiving the money.

FUNDS IN EXCESS OF CASH RESERVE LEVELS

The City Council may maintain a Cash Reserve Fund in excess of the Cash Reserve Fund levels set forth in this policy, if the City has a specific purpose for doing so. Example: The WPC Department must make significant upgrades to the Wastewater Treatment Facility. Said upgrades will take place over several years and cost a substantial amount of money. The City may decide to maintain a Cash Reserve Fund in excess of the targeted minimum Cash Reserve Fund levels set forth in this policy to pay for upcoming capital expenses.

RESOLUTION NUMBER 7187

A resolution adopting a Code of Conduct applicable to all City Council, Board, Commission, and Committee Members of the City of Beatrice establishing standards of conduct for such members in the application and administration of their duties and powers.

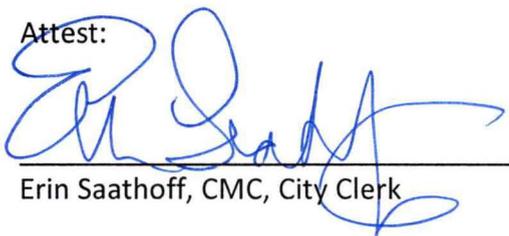
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Council of the City of Beatrice hereby adopt the **Code of Conduct** establishing standards of conduct for all City Council, Board, Commission, and Committee Members of the City of Beatrice in the application and administration of their duties and powers. A copy of the said Code of Conduct, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 4th day of December, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



CODE OF CONDUCT STATEMENT

Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members (Council Members, as well as Board, Commission, and Committee Members) shall work for the common good of the people of Beatrice and not for any private or personal interest and they shall assure fair and equal treatment of all persons, claims, and transactions coming before the Beatrice City Council or a City of Beatrice Board, Commission, or Committee.

Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, use of inappropriate language or profanity, personal charges or verbal attacks upon other members of the Council, Boards, Commissions, Committees, staff, or members of the public. Members shall exhibit respect for all people and shall be sensitive to different cultures, ethnicities, and backgrounds.

Members acknowledge that they act collectively as a governing body during public meetings. Members acknowledge that they do not have authority to make decisions or take individual actions on behalf of the City, unless expressly directed to do so by the City Council, Board, Commission, or Committee.

Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing deliberation of public policy issues. Members shall encourage meaningful involvement of the public and implementation of policy decisions of the City Council by City staff.

Members shall respect the confidentiality of information concerning property, City personnel, and affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

When members or staff engage in conversation with residents, applicants, developers, and officials of other governmental agencies, they shall be cautious not to make representations or promises about future actions of the Council, Boards, Commissions, and Committees. Members acknowledge future actions of the Council, Board, Commission, or Committee cannot be promised or predicted with certainty.

Conduct of Public Meetings

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the Council, Board, Commission, or Committee and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. For the purpose of establishing the public record and informing members of the public, they shall articulate reasons for policy decisions.

Members acknowledge that within the public setting surprises are counterproductive and agree not to spring a surprise on each other or staff during a public meeting. If in doubt, members shall meet with staff beforehand and members shall not ask staff sensitive questions in a public meeting.

Members acknowledge the importance of their attendance at meetings of their respective body. Members shall make it a priority to be in attendance at all meetings, arrive on time, and stay for the duration of the meeting.

Conflict of Interest

In accordance with the *Nebraska Political Accountability and Disclosure Act*, and in order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purposes. Members, individually, shall not direct, order, or make demands on any City employee, other than inquiries that can be answered routinely and without research.

Representation of Private Interests

In keeping with their role as stewards of the public interest, Council Members shall not appear on behalf of the private interests of third parties before the Council or any Board, Commission, or Committee, or proceeding of the City, nor shall members of the Board, Commission, or Committee appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

Advocacy

Members shall represent the official policies of the City Council, Board, Commission, or Committee to the best of their ability when designated as delegates for such purpose. When presenting their individual opinions or positions, members shall explicitly state they do not represent their body or the City of Beatrice nor shall they allow the inference that they do.

Members shall leave decisions made at the public meetings at the meeting and shall refrain from disputing such decisions at a later date or later public meeting.

Policy Role Matters

Members shall respect and adhere to the Mayor-Council-Administrator form of Beatrice City government as outlined by the Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, Boards, Commissions, or Committees, and City staff.

Go through City Administration

Except as provided in the Beatrice Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall members impair the ability of staff to implement Council, Board, Commission, or Committee decisions.

Independence of Boards and Commissions

Because of the value of the independent advice of Boards, Commissions, and Committees to the public decision-making process, members of the Council shall refrain from using their position to unduly influence the deliberations of outcomes of Board, Commission, and Committee proceedings.

Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees in order to not create the perception of inappropriate direction to staff.

Implementation

As an expression of the standard of conduct for members expected by the City, the Beatrice Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, standards of conduct shall be included in the regular orientations for candidates for City Council, applicants to Boards, Commissions, and Committees, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Beatrice Code of Conduct.

RESOLUTION NUMBER 6853

WHEREAS, in 1993 the Nebraska Legislature adopted the Local Government Miscellaneous Expenditures Act, Neb. Rev. Stat. Sections 13-2201 to 13-2204, and such Act has been amended from time to time; and

WHEREAS, the Local Government Miscellaneous Expenditure Act provides for the formal adoption of the uniform policy concerning certain expenditures by the city government covered by the Act; and

WHEREAS, the Mayor and City Council of the City of Beatrice desire to amend the previously adopted formal policy concerning the expenditures authorized by the Local Government Miscellaneous Expenditure Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the "Policy Concerning **Expenditures of Public Funds** for Certain Purposes", marked as Exhibit "A", attached hereto and incorporated herein by this reference, is hereby adopted in accordance with the Local Government Miscellaneous Expenditures Act, Neb. Rev. Stat. Sections 13-2201 to 13-2204.

SECTION 2. That Resolution Number 5876 and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 21st day of February, 2022.

Attest:


Erin Saathoff, CMC, City Clerk

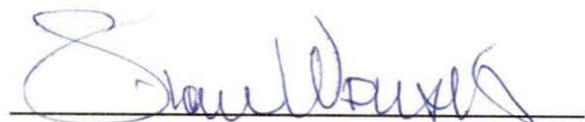

Stan Wirth, Mayor

Exhibit "A"

POLICY CONCERNING EXPENDITURES OF PUBLIC FUNDS FOR CERTAIN PURPOSES

1. Attendance at Conferences and Meetings.

The actual and necessary expenses incurred by elected and appointed officials, employees, and volunteers of the City of educational workshops, conferences, training programs, official functions, hearings, and meetings, whether incurred within or outside the City of Beatrice, shall be paid or reimbursed to the respective official, employee, or volunteer so long as such payment or reimbursement is in accordance with the City's Training Policy.

- a. Authorized expenditures shall not include expenditures for meals of paid members of the City Council while such members are attending a public meeting of their respective governing body unless such meeting is a joint public meeting with one (1) or more other governing bodies.
- b. All registration and reservation for lodging and air travel by elected officials will be made through the City Administrator's office.
- c. When a claim is presented for payment that includes the expenses of more than one (1) individual, then the names of those individuals who incurred the expenses must appear on the voucher or receipt.
- d. All elected and appointed officials, employees, and volunteers must request, to attend educational workshops, conferences, and training programs, when not budgeted for, in order for expenses to be paid by the City in accordance with the Training Policy. The request shall include the dates, location of meeting, purpose, and expenditures required.
- e. The expenditure of funds for the payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the City of Beatrice that is not specifically covered by the City's Training Policy, may be authorized by a formal vote of the City Council so long as such expenditures complies with the requirements of state law.

2. Beverages at Meetings.

The expenditures of funds for nonalcoholic beverages provided to individuals attending public meetings of the City Council is authorized.

3. Recognition Dinner.

The expenditure of funds is authorized for one (1) recognition dinner each year held for elected and appointed officials, employees, and volunteers of the City. The maximum cost per person for such dinner shall be \$50.00.

Exhibit "A"

4. Emergency and Volunteer Services.

- a. The expenditures of funds for nonalcoholic beverages and meals are authorized for any individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to tornado, severe storm, severe snowstorm, flood, fire, or accident.
- b. The expenditures of funds for nonalcoholic beverages and meals for any volunteers during or immediately following their participation in any activity approved by the City Council, including, but not limited to, mowing parks, picking up litter, removing graffiti, or snow removal, is authorized.

5. Plaques, Certifications of Achievement, or Items of Value Awarded.

The expenditure of funds for plaques, certificates of achievement, and items of value awarded to elected or appointed officials, employees, or volunteers, including persons serving on local government boards or commissions, is authorized. The maximum dollar limit on the value of any item to be awarded is \$75.00. A maximum of ten dollars (\$10.00) per year of service of full-time employment to the City shall be applied towards the purchase of gifts for terminating employees of the City.

6. Expenses of Spouses.

- a. The expenditures of funds to pay any expenses incurred by a spouse of an elected or appointed official, employee, or volunteer is prohibited, unless the spouse is also an elected or appointed official, employee, or volunteer of the City of Beatrice.



POLICY

The City of Beatrice/Board of Public Works, “City”, believes that hiring qualified individuals to fill positions contributes to the overall strategic success of the City. Each employee is hired to make significant contributions to the City. In hiring the most qualified candidates for positions, the following hiring process is applicable:

PROCEDURE

Personnel Requisitions

Personnel requisitions must be completed in order to fill all positions for the City. Requisitions must be initiated by the Department Head/Superintendent. Requisition approval by the City Administrator/General Manager is also required as needed and then forwarded to the City Clerk. Personnel requisitions shall indicate the positions’ hours/shifts, status, reason for the opening, essential job functions, qualifications, and any special recruitment advertising instructions.

Job Postings

All regular job openings for full-time and part-time positions shall be posted on the City’s website. Jobs shall remain on the posting until the position is filled or at management’s discretion. Job postings shall be updated on an as needed basis.

Position Advertising

Positions are advertised externally based upon need and budget requirements. The City Clerk shall be responsible for placing all position advertising.

Internal Transfers

Current employees of the City may apply for internal job openings. Employees must complete the “Internal Job Opening Request Form”. The form shall be completed and turned into the City Clerk before the application acceptance period ends. All applicants for a posted vacancy shall be considered on the basis of their qualifications and ability to perform the job successfully. Internal candidates who are not selected will be notified by the City Clerk. This does not include shift changes, promotions, or appointed positions.

Application Retention

The City Clerk shall be responsible for collecting and retaining all applications received. Once the job posting has closed, the City Clerk shall forward all applications received to the hiring

Department Head/Supervisor for their review. Upon completion of the Interview Process, all applications shall be given back to the City Clerk for retention.

Interview Process

The hiring Department Head/Superintendent shall screen applications and/or resumes prior to scheduling interviews. Interviews for all full-time positions shall be conducted by an Interview Panel consisting of at least the hiring Department Head/Superintendent and the City Clerk. A structured interview process is recommended. Interview questions shall be compiled by the hiring Department Head/Superintendent and submitted to the City Clerk for review. The hiring Department Head/Superintendent shall have the ultimate responsibility for making a hiring decision. The City Clerk shall notify applicants who are not selected.

Reference Checks

The hiring Department Head/Superintendent or City Clerk may check references for all candidates.

Criminal and Financial Background Checks

Final candidates may be contacted to complete a pre-employment Criminal and Financial background check. Criminal background checks are recommended for all full-time candidates. Financial checks are recommended for any full-time candidate who may handle money. Candidates will be given a maximum of five (5) days to complete the authorization form and return it to the City Clerk for processing. If any issues arise from the criminal or financial background check, the City Clerk shall notify the hiring Department Head/Supervisor that the candidate is not eligible for employment.

Employment Offers

Once a decision has been made regarding interest in hiring an applicant, a conditional verbal offer shall be made by the hiring Department Head/Superintendent or City Clerk contingent upon satisfactory completion of a pre-employment drug screening.

Drug Testing

The City Clerk shall contact the final candidate and arrange a pre-employment drug screening. Candidates shall be given a maximum of three (3) working days to complete the drug screening. If any issues arise from the pre-employment drug screening, the City Clerk shall notify the hiring Department Head/Supervisor that the candidate is not eligible for employment.

Job Offers

Once the City Clerk receives satisfactory results from the pre-employment drug screening, the hiring Department Head/Superintendent or City Clerk will notify the candidate and confirm the initial offer and start date. Upon acceptance from the candidate, the City Clerk shall send out a new employee packet, containing direct deposit payroll form, Federal and state tax forms, Form I-9 with a copy of supporting I-9 forms, insurance forms, and pay flex forms to be completed prior to the initial start date.

Initial Start Date

On the initial start date, the hiring Department Head/Supervisor shall review all appropriate policies and procedures with the new employee. All documents shall be returned to the City Clerk on the initial start date. If documents are not received, the City Clerk shall notify the hiring Department Head/Superintendent. If the employee has failed to provide appropriate documentation within two (2) business days of their start date, the employee will be suspended, without pay, for five (5) business days or until the employee submits the necessary documents. If the employee is unable to provide the appropriate documentation, within the suspension period, the employee shall be discharged.

Probationary Period/Performance Evaluations

Each new full-time employee subject to a union contract shall follow the probationary period as set forth in their union contract. All non-union, temporary, seasonal, part-time, or variable hour employees shall not serve a probationary period. The probationary period shall be used to determine 1) if the employee made the right choice in accepting the City's job offer and 2) if the City made the right choice in making the job offer to the candidate. Department Heads/Superintendent must complete an Employee Performance Evaluation on all new employees before the end of the probation period and make a determination of the employee's continued employment. If the Department Head/Superintendent determines the employee is not meeting expectations, the Department Head/Superintendent shall contact the City Clerk to determine the final date of employment and to initiate the final pay check process. Original performance evaluations are to be signed by both the Department Head/Superintendent and the employee and returned to the City Clerk for the employee file.

In addition to probationary performance evaluation, all employees are to receive a written performance evaluation a least annually. Performance evaluations DO NOT necessarily indicate a salary increase. If a salary increase is proposed, a Wage Increase Form shall be completed by the Department Head/Superintendent. The City Administrator/General Manager shall review all proposed Wage Increase Forms to determine which employees shall be recommended to the Mayor and City Council to be given an increase.

RESOLUTION NUMBER 7077

WHEREAS, the Mayor and City Council for the City of Beatrice (“City”) desire to adopt an investment policy setting forth investment objectives and parameters for the management of funds held and controlled by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

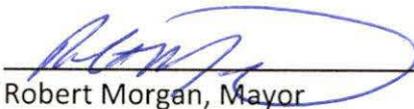
SECTION 1. That the **Investment Policy**, attached hereto as “Exhibit A”, incorporated herein by reference, be and is hereby approved and adopted.

SECTION 2. That all Resolution 5655 and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 5th day of June, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



INVESTMENT POLICY

I. Purpose

The purpose of this Investment Policy ("Policy") is to set forth the investment objectives and parameters for the management of the funds of the City of Beatrice (hereinafter "City"). These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

II. Scope

This policy applies to all cash and investments held or controlled by the City.

III. Objectives

- a. Safety of Principal. The foremost objective of this investment program is the safety of principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- b. Liquidity. Investment portfolios shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner.
- c. Return on Investment. Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. Authorized and Suitable Investments

- a. Investments should be made subject to the cash flow needs of the City, as determined by the City Administrator, Finance Director, or their designees, and such cash flows are subject to revisions as market conditions and the City's needs change. Funds shall also be managed in accordance with the State of Nebraska's investment statutes, as revised:

Act Title	Statutory Reference
Nebraska State Funds Investment Act	Neb. Rev. Stat. 72-1237 to 72-1260
Nebraska Capital Expansion Act	Neb. Rev. Stat. 72-1261 to 72-1269
Public Funds Deposit Security Act	Neb. Rev. Stat. 77-2386 to 77-23,108

- b.** The City may only invest in the following:
- i. U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations, which have a liquid market with a readily determinable market value, which have a liquid market with a readily determinable market value.
 - ii. Certificates of deposit and other evidences of deposit at institutions, bankers' acceptances, and commercial paper, rated in the highest tier (e.g., A-1, P-1) by a nationally recognized rating agency.
 - iii. Investment-grade obligations of state and local governments.
 - iv. Repurchase agreements whose underlying purchased securities consist of the foregoing.
 - v. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities and securities as described in subsections i through iv, inclusive, of this section.
 - vi. Local government investment pools, either state-administered or through interlocal agreement legislation, whose portfolios consist of the securities as described in subsections i through iv, inclusive, of this section.

RESOLUTION NUMBER 5160

A resolution adopting an **Identity Theft Prevention Program**, to comply with the Federal Trade Commission's ("FTC") Red Flag Rule, and appointing City Administrator, Neal Niedfeldt, as the Program Administrator and Red Flag Rule Compliance Officer.

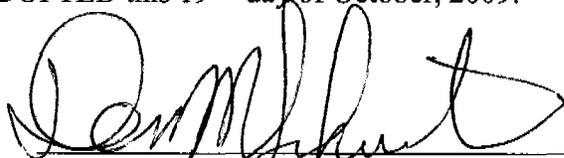
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA.

SECTION 1. That the City of Beatrice, Nebraska adopts an Identity Theft Prevention Program, to comply with the Federal Trade Commission's ("FTC") Red Flag Rule. A copy of the Identity Theft Prevention Program is attached as Exhibit "A" and incorporated herein by reference.

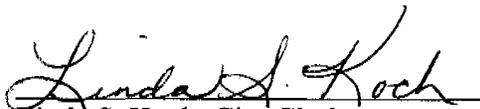
SECTION 2. That the City Administrator, Neal Niedfeldt, be and hereby is appointed as the Program Administrator and Red Flag Rule Compliance Officer of the Identity Theft Prevention Program.

SECTION 3. That all resolutions or parts of resolutions in conflict are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 19TH day of October, 2009.


Dennis M. Schuster, Mayor

Attest:


Linda S. Koch, City Clerk

CITY OF BEATRICE

IDENTITY THEFT PREVENTION PROGRAM

IMPLEMENTED AS OF OCTOBER 2009

I. INTRODUCTION

The City of Beatrice (the "City") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's ("FTC") Red Flag Rule. This policy sets forth our commitment to compliance with those standards established by the Federal Trade Commission under the Identity Theft Red Flag's and Address Discrepancies under the Fair and Accurate Credit Transaction Act of 2003 ("the Red Flag Rule") at 16 C.F.R. § 681.2, regarding the establishment of a written Identity Theft Prevention Program ("Program") that is designed to detect, prevent, and mitigate Identity Theft in connection with the opening of a covered account or any existing covered account. This Program contains policies and procedures designed to identify, detect, and respond appropriately to "Red Flags" for Identity Theft. It also contains policies and procedures for the periodic identification of covered accounts and for general administration of the program. This Program addresses our general approach to compliance with the Red Flag rules.

II. DEFINITIONS

- A. "Customer" means one who purchases or receives a product or service from the City.
- B. "Covered Account" means:
 - a. An account that the City offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions; and
 - b. Any other account that the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- C. "Identity Theft" means a fraud committed or attempted using the identifying information of another person without authority.
- D. "Identifying Information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:
 - a. Name, social security number, date of birth, official state or government issued driver's license or identification number, alien registration number, government passport number, or employee or taxpayer identification number;
 - b. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
 - c. Unique electronic identification number, address, or routing code;
 - d. Telecommunication identifying information or access device (as those terms are defined in 18 U.S.C. §1029(e));
 - e. Medicare number; or
 - f. Health care claim number.

- E. "Program" means this written Identity Theft Prevention Program developed and implemented by the City.
- F. "Red Flag" means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- G. "Service Provider" means a person who provides a service directly to the City and includes third party billing companies and other organizations that perform service in connection with the City's covered accounts.

III. IDENTIFICATION OF RED FLAGS

A "Red Flag" is a pattern, practice, or specific activity that indicates the possible existence of Identity Theft. In order to identify relevant Red Flags, the City considered the types of accounts that it offers and maintains, the methods it provides to open its Accounts, the methods it provides to access its Accounts, and its previous experiences with Identity Theft. The City identifies the following Red Flags, in each of the listed categories:

- A. Mail sent to customers that is repeatedly returned;
- B. Customers report they are not receiving their bills;
- C. The City is notified of unauthorized charges to a customer's bank account or credit card;
- D. The City is notified by law enforcement or others that it has opened a fraudulent account for a person engaged in identity theft;
- E. Patterns of activity on payment accounts that are inconsistent with prior history;
- F. Increases in the volume of inquiries to an account;
- G. The presentation of information that is inconsistent with other sources, e.g., the address, date of birth, or social security number listed for the customer does not match the address given or is inconsistent with other identifying information provided by the customer;
- H. Personal identifying information is identified by third-party sources as having been associated with known fraudulent activity;
- I. Personal identifying information of a type commonly associated with fraudulent activity (e.g., fictitious address, use of mail drop, or phone number that is invalid or associated only with a pager or answering service);
- J. The social security number provided by the customer is a duplicate of that of other customers;
- K. The address or telephone numbers given are the same or similar to those of other customers, particularly recent ones;
- L. Attempts to access an account by customers who cannot provide authenticating information;
- M. Requests for additional authorized users on an account shortly following change of address;

- N. Uses of an account that are inconsistent with established patterns of activity such as: nonpayment when there is no history of late or missed payments;
- O. Nonpayment of the first payment on the account;
- P. Inactivity on an account for a reasonably lengthy period of time;
- Q. Mail correspondence sent to the provided address is returned and mail is returned despite continued activity in the account;
- R. Notification to the City of an unauthorized transaction by the customer;
- S. Notification to the City by the customer, a law enforcement authority, or other person, that it has opened a fraudulent account;
- T. A complaint or question from an customer based on the customer's receipt of:
 - 1. A bill for another customer;
 - 2. A bill for a service that the customer denies receiving;
 - 3. A bill from a health care provider that the customer never utilized;
 - 4. A notice of insurance benefits (or Explanation of Benefits) for health services never received; or
 - 5. A customer or insurance company report that coverage for legitimate healthcare service is denied because insurance benefits have been depleted or a lifetime cap has been reached.
- U. A complaint or question from an customer about information added to a credit report by a health care provider or insurer;
- V. A dispute of a bill by an customer who claims to be the victim of any type of identity theft;
- W. An customer who has an insurance number but never produces an insurance card or other physical documentation of insurance;
- X. A notice or inquiry from an insurance fraud investigator for a private insurance company or a law enforcement agency;
- Y. A security breach;
- Z. Unauthorized access to a covered account by personnel;
- AA. Unauthorized downloading of customer's files;
- BB. Loss or theft of unencrypted data;
- CC. Inappropriate access of a covered account;
- DD. A computer virus or suspicious computer program;
- EE. Multiple failed log-in attempts on a workstation;
- FF. Theft of a password;
- GG. The presentation of an insurance card or form of identification that is clearly altered; and
- HH. Lost, stolen, or tampered facility equipment.

IV. DETECTION OF RED FLAGS

The City shall adopt reasonable policies and procedures to address the detection of red flags in connection with the opening of covered accounts, existing covered accounts such as by:

- A. Obtaining identifying information about, and verifying the identity of, a person opening a covered account;
- B. Authenticating customer's, monitoring transactions, and verifying the validity of change of address requests;
- C. Monitor return mail;
- D. Follow up with customers who say they are not receiving the bills;
- E. Follow up with customers and banks on unauthorized charges; and
- F. Follow up with law enforcement and other officials regarding fraudulent accounts.

The following procedures have been adopted by the City to address the section of Red Flags as of the most recent update of this Program; City personnel shall be on the alert for customers who present suspicious documents, such as an insurance card or form of identification that appears to have been altered or does not match other information about the customer. Whenever possible, the personnel shall attempt to verify the identity of the customer with someone who knows the customer.

Before discussing information related to a covered account with any customer, or making a change of address information in a covered account; City personnel shall sufficiently ascertain the identity of the customer.

If a customer or appropriate representative makes a telephone inquiry or request regarding a customer account, City personnel shall require the customer or appropriate representative to verify the date of birth, social security number (or at least the last four digits), and address of the customer to whom the account pertains.

If the customer or appropriate representative of the customer presents in person to the business office of the City, he/she shall be required to provide a valid government issued photo id in addition to the date of birth, social security number (or at least the last four digits), and address of the customer to whom the account pertains.

If the customer or appropriate representative is unable to provide necessary information to identify the identity of the customer, City staff shall make a notation of the inquiry and address change request in the customer's account file and alert an appropriate supervisor without providing access or honoring the address change request.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event City personnel detect any identified Red Flags, such personnel shall take one or more of the following steps depending on the degree of risk posed by the Red Flag:

- A. Contact customers by phone or in person regarding return mail;
- B. Verify the bill is sent to the correct mailing address;
- C. Customers must make application for service in our office and have proper identification;
- D. Follow up with the bank or credit card company on unauthorized charges;
- E. Close the account and cooperate with law enforcement officials;
- F. Computers are password protected and are required to be changed every 90 days;
- G. Computer software that shows security numbers, bank accounts and credit card numbers are restricted to the billing office and require a password;
- H. Office is locked during non working hours;
- I. Customers are restricted to the lobby;
- J. Credit card payments require security code from back of card; and
- K. Any paperwork that is to be discarded that has bank accounts, credit card information or social security numbers is shredded.

VI. RESPONSE TO RED FLAGS

- A. City will respond to Red Flags of which it becomes aware in a manner commensurate with the degree of risk posed by the Red Flag. In determining the appropriate response, the City will consider aggravating factors that may heighten the risk of identity theft.
- B. City shall assess whether the Red Flag detected pose a reasonably foreseeable risk of identity theft and if it does, respond appropriately. City determines that the Red Flag does not pose a reasonably foreseeable risk of identity theft; it shall have a reasonable basis choosing not to respond to the Red Flag.
- C. If any personnel at City believe identity theft has occurred or may be occurring, he/she shall immediately notify a supervisor. The supervisor will contact the designated Red Flag Rule compliance officer who will determine the appropriate response.
- D. Appropriate responses may include the following:
 - 1. Monitoring a covered account for evidence of identity theft;
 - 2. Contacting the customer;

3. Changing any passwords, security codes, or other security devices that permit access to a covered account;
 4. Reopening a covered account with a new account number;
 5. Not opening a new covered account;
 6. Closing an existing covered account;
 7. Not attempting to collect on a covered account or not selling a covered account to a debt collector;
 8. Notifying law enforcement; or
 9. Determining that no response is warranted under the particular circumstances.
- E. If there is a confirmed incident of identity theft or attempted identity theft, City will notify the customer after consultation with law enforcement about the timing and content of such notification (to ensure notification does not impede a law enforcement investigation) via certified mail. Victims of identity theft will be encouraged to cooperate with law enforcement in identifying and prosecuting the suspected identity thief, and will be encouraged to complete the FTC Identity Theft Affidavit.
- F. If a customer claims to be a victim of identity theft, the City will investigate the claim. The following guidelines apply:
1. The customer will be instructed to file a police report for identity theft.
 2. The customer will be instructed to complete the Identity Theft Affidavit developed by the FTC, including supporting documentation; or an Identity Theft Affidavit recognized under state law.
 3. The customer will be requested to cooperate with comparing his or her personal information with information in the City's records.
 4. If following investigation, it appears that the customer has been a victim of identity theft; the City will take the following actions:
 - a. Cease collection on open accounts that resulted from identity theft. If the accounts had been referred to collection agencies or attorneys, the collection agencies or attorneys will be instructed to cease collection activities.
 - b. Cooperate with any law enforcement investigation relating to the identity theft.
 5. If an insurance company, government program or other payor has made payment on the account, the provider will notify the payor and seek instruction to refund the amount paid.
 6. If an adverse report had been made to a consumer reporting agency, the provider will notify the agency that the account was not the responsibility of the customer.
 7. If following investigation, it does not appear that the customer has been a victim of identity theft, the City or the collection agency will give written notice to the customer that he or she is responsible for payment of the bill. The notice will state that the basis for determining that the person claiming to be a victim of identity theft was in fact the customer.

8. Customer medical records and payment records must be corrected when identity theft has occurred. This is necessary to ensure that inaccurate health information is not inadvertently relied upon in treating a customer, and that the customer or a third-party payer is not billed for services the customer did not receive. Customer records will be corrected in consultation with the customer and the customer's treating health care provider(s), in a manner consistent with the City's HIPAA policy.
9. If there is a disclosure of, or an unauthorized access to, unencrypted computerized data containing an customer's first name or first initial and last name; and
 - a. a social security number;
 - b. a driver's license number, or
 - c. financial account number (including a credit or debit card number), state law governing notification of customers will be followed.

VII. UPDATING THE PROGRAM AND THE RED FLAGS

The Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the City from Identity Theft.

VIII. PROGRAM ADMINISTRATION

The City's Program will be overseen by a Program Administrator. The Program Administrator shall be a designated employee of the City of Beatrice. The Program Administrator will be responsible for the Program's administration, for ensuring appropriate training of the City staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances, reviewing and, if necessary, approving changes to the Program.

City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags and the responsive steps to be taken when a Red Flag is detected.

RESOLUTION NUMBER 6625

WHEREAS, the use of unmanned aircraft systems (UAS), or drones, by both individuals and municipalities has become more prevalent in recent years; and

WHEREAS, all UAS or drone operators, both individuals and municipalities alike, must comply with all rules and regulations established by the Federal Aviation Administration for such aircraft operations; and

WHEREAS, the Mayor and City Council find and determine that it is in the best interests of the City to adopt a policy concerning the **operation of UAS, or drones**, by or on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

SECTION 1. That the policy attached hereto as Exhibit "A", and incorporated herein by reference, be and is hereby approved and adopted.

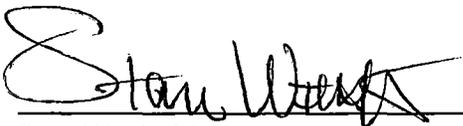
SECTION 2. That all resolutions or parts of resolutions in conflict herewith be and are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 5th day of October, 2020.

Attest:



Erin Saathoff, CMC, City Clerk



Stan Wirth, Mayor

Civil Unmanned Aircraft (Drone) Safe Operation Policy

I. Purpose

A safe operation policy is an integral component for the safe operation of a commercial drone. The following pages contain basic operating policies and procedures to ensure the safe operation of commercial drones for City business. This policy applies to both privately owned and city-owned drones flown by City employees for City business. This policy focuses on the safety of employees, the general public, and property owned by others. This policy strictly adheres to Federal Aviation Administration (FAA) requirements governing remote pilots, equipment, and operational rules. The goal of this operational policy is to reduce or eliminate accidents, injuries, and property damage by following safe operating practices.

This policy is provided so each employee is aware of his or her responsibilities. Compliance with this program is mandatory for all City drone operators. Violations of this program may result in disciplinary action, up to and including suspension of drone operating privileges. Any deviations from this program must be immediately brought to the attention of the employee's supervisor or program administrator.

II. General Responsibilities

The City Administrator, or his or her designee, is responsible for ensuring that safety policies and procedures are established and enforced consistently, including providing a qualified pilot and safe equipment free from defect or damage. The City Administrator, or his or her designee, is also responsible for:

- Selecting drones appropriate for the work to be performed;
- Ensuring drones are properly maintained and safe for operation;
- Ensuring all remote pilots have their FAA Part 107 Certification;
- Ensuring all remote pilots have been trained on the City's policies and procedures;
- Ensuring all remote pilots have received appropriate "flight" training on the drone they will use to complete their daily work;
- Maintaining appropriate FAA registrations and insurance; and

The Remote Pilot in Command (Remote PIC) and all Remote Pilots are responsible for following all FAA Part 107 requirements, procedures, and City guidelines established in this Safety Policy. The Remote PIC and/or Remote Pilot will also ensure the drone is properly maintained for safe operation and kept in a secure location when not in use.

III. Definitions

Control Station means an interface used by the remote pilot to control the flight path of the small unmanned aircraft.

The **Federal Aviation Administration** (FAA) is the governing body that sets regulations for the safe operation of small Unmanned Aircraft Systems (UAS) in the airspace of the United States and certification requirements for remote pilots.

Remote Pilot means the person manipulating the operating controls of the small unmanned aircraft.

Remote Pilot in Command means the individual holding a FAA Part 107 Certificate who is directly responsible and is the final authority as to the safe operation of the small unmanned aircraft system. This individual may also serve as a remote pilot at the same time.

Small Unmanned Aircraft means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System means a small unmanned aircraft and its associated elements (including communication links and the components that control the small-unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

Unmanned Aircraft means an aircraft operated without the possibility of direct human interaction from within or on the aircraft.

Visual Observer means a person who is designated by the remote pilot in command to assist the remote pilot in command to see and avoid other air traffic or objects aloft or on the ground.

IV. Authorized Remote Pilots/Personal Use

City-owned drones and associated equipment will be assigned to authorized employees for work-related duties. Authorized employees will not allow any unauthorized individual to operate the drone. If unauthorized use results in an accident, the authorized employee may be required to make restitution for any damages. Additionally, disciplinary action may be taken. Use of City drones for personal or recreational purposes is strictly prohibited.

V. Pilot Qualifications

All City personnel who are intending to operate a small UAS must acquire a Remote Pilot Certificate (FAA Part 107) from the FAA by passing a FAA knowledge examination, specifically for remote pilots. The receipt of such certificate demonstrates an understanding of the regulations, operating requirements, and procedures for safely flying small UASs.

Remote pilots must complete recurrent training courses, as required by the FAA.

Remote pilots must complete initial training on City policies and procedures spelled out in this document, as well as complete “flight” training on the specific unmanned aircraft system (drone) assigned to them.

Remote pilots must comply with all FAA Part 107 medical and health requirements, specifically those referenced in §107.17 and §107.27.

VI. Remote Pilot Safety Rules

Authorized remote pilots must operate the drone in a safe manner, adhering to all FAA Part 107 safety rules and regulations as well as other relevant federal, state, and local laws.

VII. Pre-Flight Operational/Safety Check

The remote pilot will complete a pre-flight operational/safety check in accordance with the manufacturer's inspection procedures. As per FAA Part 107 requirements, if the manufacturer does not provide these procedures, the Remote PIC must create and maintain a set of procedures for each aircraft used under this program.

Pre-flight Planning and Preparation

The remote pilot is responsible for following the pre-flight planning as laid out in the check list provided to them by the manufacturer, or if not provided by the manufacturer, by using a checklist created and maintained by the Remote PIC, based upon FAA Part 107 recommendations.

VIII. In-Flight Safety Rules

Follow all safety rules as outlined in FAA Part 107 regulations and any training received while studying for the knowledge test. FAA Part 107 safety regulations and updates thereto supersede any other third-party training the remote pilot may have received.

Store the unmanned aircraft system in a secure, locked location when not in use.

IX. Accident Reporting

Accident reporting must take place as outlined in FAA Part 107 requirements.

NOTE: The City Administrator, or his or her designee, will assist the remote pilot in completing and submitting all required incident reports to appropriate regulatory agencies, insurance agent, and insurance carrier. The remote pilot should not submit any incident reports without prior review by the City Administrator, or his or her designee.

References

- *Federal Aviation Administration, Advisory Circular 107-2, Small Unmanned Aircraft Systems*

- *Federal Aviation Administration, Federal Aviation Regulations, Part 107, Small Unmanned Aircraft Systems.*
- *Federal Aviation Administration, Part 107, Applying for a Waiver*
- *National Transportation Safety Board Part 830, Notification and Reporting of Aircraft Accidents*

Employee's Agreement for Use

1. I have read and understand all of the rules and requirements for use of a City drone spelled out in the Safe Operation Policy.
2. I agree to comply with all of the rules and requirements in the Safe Operation Policy.
3. I will not use the City drone for personal or recreational use.
4. I will not allow unauthorized individuals to operate the City drone.
5. I agree to store the City drone in a secure location when not in use.
6. I agree to report any incidents that occur while using the City drone to management as soon as possible or within twenty-four (24) hours of occurrence.

Authorized Employee's Name: _____

Authorized Employee's Signature: _____

Date: _____

RESOLUTION NUMBER 6687

WHEREAS, the Mayor and City Council find and determine that it is in the best interests of the City to adopt a policy which regulates the public's access and use of City-owned buildings and property to protect the safety of City staff and all persons visiting such buildings and property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

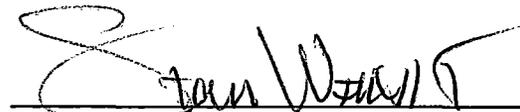
SECTION 1. That the **Public Access Policy**, attached hereto as Exhibit "A" and incorporated herein by reference, be and is hereby approved and adopted.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith be and are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 1st day of March, 2021.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor

**CITY HALL**

400 Ella Street | Beatrice, NE 68310
 Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310
 Phone: 402.228.5211 Fax: 402.223.5181

PUBLIC ACCESS POLICY**I. Purpose**

As a public entity, the City of Beatrice as a matter of course constantly interacts with the public. This policy is designed to protect City staff and the public by establishing clear times and areas within City Buildings that visitors are allowed to be; to facilitate the City's ability to conduct government business; and provide services, and prevent damages to City facilities.

II. Definitions

- a. **City Building** – a structure with a roof that is enclosed by walls that is owned, operated, or leased by the City of Beatrice, Nebraska.
- b. **City Property** - property owned, operated, or leased by the City of Beatrice, excluding the right-of-way owned by the City of Beatrice, Nebraska.

III. Interior Rules/Signage

- a. Visitors must abide by the rules established herein, or otherwise posted in or on City Buildings and City Property, while on or in City Buildings or City Property.
- b. No visitor may enter an interior area of a City Building once a City employee advises that the area is closed to the public.
- c. Visitors must remain in the place designated by either signage, a City employee, or their escort.
- d. No visitor may enter an interior area of a City Building that is signed or designated in any manner that indicates that the public should not enter, unless given permission to enter by a City Employee. Such signs include, but are not limited to: "No Trespassing", "Authorized Personnel Only", "Private", "Closed", "Closed to Public" "Employees Only", and posted hours of operation.
- e. Visitors may not wait in a City Building for a City employee indefinitely, and may be asked to return at another time when the employee is expected to be in the office.
- f. In City Buildings, no visitor may:
 - i. Threaten violence against or intimidate any City staff member or member, or other visitors;
 - ii. Cause an unreasonably loud noise that is so disturbing or annoying that it interferes with the ability of City staff to perform their jobs, or visitors to conduct their business;

- iii. Insist that City staff provide a service, explanation or document that City staff has made clear cannot be provided at that time;
- iv. Insist on meeting with a City staff member or supervisor after being told that the person is either not available or will not meet with the person;
- v. Obstruct City staff or visitors from performing their duties or completing the business for which they came to the building;
- vi. Block building entrances, ramps, or exits;
- vii. Enter a City Building with animals, other than service animals authorized by law;
- viii. Ride bikes, skates, scooters, skateboards, or other similar devices designed to enhance mobility but not intended for indoor use, except as mobility aids required do to disability;
- ix. Lie or sleep on the floor;
- x. Exude odors that are so strong and pervasive as to interfere with the ability of City staff to perform their jobs or the ability of visitors to conduct their business; or
- xi. Refuse to leave a City Building after having been lawfully directed to do so by a City employee.

IV. Exterior Rules/Signage

- a. Visitors to City Buildings or City Property must abide by the rules established herein, or otherwise posted in City Buildings and on City Property.
- b. For all City Property closed to the public, visitors to such areas will be provided with an escort at all times while on such property.
- c. No visitor may enter onto any City Property or into any City Building that is enclosed by a fence, or where signage is posted what advises that such area is closed to the public.
- d. No visitor may remain on the curtilage (i.e., the area between the outer building façade and the property line, including exterior steps, ledges and grounds) of City Buildings, unless the person is there to conduct City-related business or contact an employee, or if permitted to do so by a City employee. Visitors may park vehicles in City-owned off-street public parking lots pursuant to the Beatrice City Code, unless signage is posted in any manner that indicates that the public may not use such parking lots.
- e. No person shall set up, place, maintain or install any structure in a City Building or on City Property without express permission from a City employee.
- f. No person shall leave or store any unattended personal property in a City Building or on City Property without permission from a City employee.

RESOLUTION NUMBER 5628

A resolution to establish policy **guidelines for funding requests** by organizations and members of the general public items and events.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. Statement of Purpose. It is the purpose of this resolution to establish policy guidelines for funding requests by organizations and members of the general public for funding from the City for items and events. The City Administrator shall periodically recommend to the City Council such changes in this resolution as may be necessary to secure this purpose.

SECTION 2. Funding. The amount of funding available for any event or item pursuant to the policy guidelines contained herein shall be designated in the City's annual budget as "Community Development/Promotions". Funding for "Community Development/Promotions" line shall consist of Keno funds and Lodging Tax funds as appropriated by the City Council from year to year.

A funding request derived from the Keno fund shall be for community betterment purposes as that term is defined in Neb.Rev.Stat. § 9-604. Community betterment purposes shall mean:

- (a) benefiting persons by enhancing their opportunity for educational advancement, by relieving or protecting them from disease, suffering, or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, by providing them with opportunities to contribute to the betterment of the community, or by increasing their comprehension of and devotion to the principles upon which this nation was founded;
- (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; or

- (c) lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people.

Community betterment purposes shall not include any activity consisting of an attempt to influence legislation or participate in any political campaign on behalf of any elected official or person who is or has been a candidate for public office.

Requests for funds from the Lodging Tax shall be for a public purpose. A public purpose shall promote the public health, safety, morals, security, prosperity, contentment, and the general welfare of all inhabitants.

The City shall not fund more than twenty five percent (25%) of the total cost associated with any event or item.

SECTION 3. Application. Applications shall be submitted to the City Clerk on a designated form provided by the City. The application shall include but shall not be limited to the name of the organization or person making the request, the amount requested to be funded, a detailed description of the item or event, the formal name of an event, the date of an event, a listing of all other funding sources and amounts for the item or event, a list of the in-kind services requested, whether this is a new event, annual event or regularly scheduled event, and any other information so designated by the City Administrator.

City Administration shall review the application and make a determination as to its conformity with the guidelines outlined herein. The City Administrator shall make a final determination if the application meets the guidelines set forth herein within ten (10) business days following receipt by the City Clerk. Should the City Administrator need further information and/or documentation from the applicant the deadline for determination, set forth above, shall be

extended an additional five (5) business days following the date of receipt of the additional information and/or documentation requested. Applications that are determined to satisfy the guidelines set forth herein shall be submitted to the Beatrice City Council for consideration.

SECTION 4. Preference. Preference for requests from Keno funds will be given to events or items which most represent the definition of community betterment purpose listed above. Preference for requests from Lodging Tax funds will be given to events or items which attract non-residents of the City of Beatrice and/or Gage County and which may provide increased motel or hotel stays.

SECTION 5. Requests Taken on a Quarterly Basis. Funds available under the application shall be designated and budgeted for by the Beatrice City Council upon an annual basis. Applications shall be received and reviewed by the City Council on a quarterly basis each budgetary year. The quarterly deadlines for applications shall be October 1, January 1, April 1, and July 1 of each budget year.

SECTION 6. Events. The City shall not fund any event in which both the spectators and participates of the event must pay an entrance fee. The City shall not fund any event in which the spectating portion of the event occurs outside the two mile zoning jurisdiction of the City of Beatrice. If an event has a sponsor or another contributor to the event, then the City shall only pay for the eligible expenses in excess of the amount paid by the sponsor or contributor.

SECTION 7. Item Requests. Items requested to be funded shall be owned by the city and not by private entities, individuals, organizations, or groups.

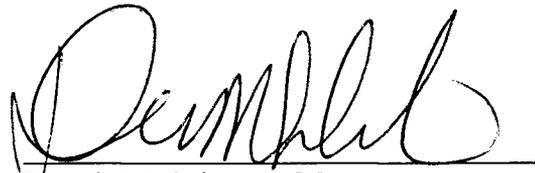
SECTION 8. Payment Upon Receipt. Such events or items approved for funding shall be paid for upon the requesting party providing receipt or invoice for the costs of the event or

item to the City Clerk who shall check for conformity with the original funding request approved by the City Council before releasing funds. Approved events or items shall be paid for in the amount of the receipt or invoice up to the amount approved by the City Council.

SECTION 9. That all resolutions including Resolution Number 5552 or parts of resolutions in conflict herewith are hereby repealed.

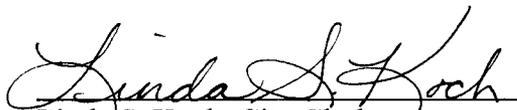
SECTION 10. That this resolution shall be in full force and effect from and after its passage and approval.

RESOLUTION PASSED AND ADOPTED this 21st day of April, 2014.



Dennis M. Schuster, Mayor

Attest:



Linda S. Koch, City Clerk

RESOLUTION NUMBER 6825

WHEREAS, the City of Beatrice, Nebraska offers internet access to the public in many of its facilities; and

WHEREAS, the Mayor and City Council find and determine that it is in the best interests of the City to adopt a policy which regulates internet use by the public in city-owned facilities.

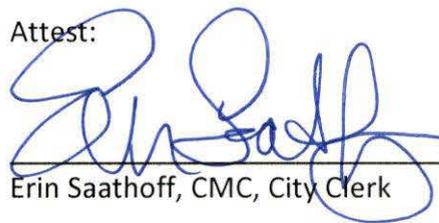
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

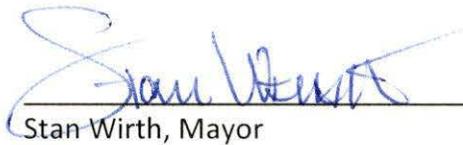
SECTION 1. That the **Public Internet Use Policy**, attached hereto as Exhibit "A" and incorporated herein by reference, be and is hereby approved and adopted.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith be and are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 20th day of December, 2021.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



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BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

PUBLIC INTERNET USE POLICY

DISCLAIMER

The City of Beatrice, Nebraska ("City") offers internet access to the public in many of its facilities. In offering internet access, the City does not monitor or have control over information that can be accessed over the internet.

Although the internet offers access to many valuable local, national, and international sources of information, not all sources are accurate, complete, current, or appropriate for all users. As such, when members of the public access the internet via a City facility, they do so at their own risk and with the understanding that their connection should not be considered secure and that the internet may contain materials which some may find offensive or inappropriate.

The City has no control over the information obtained through the internet and is not responsible for its content or accuracy. The City assumes no responsibility for damages, direct or indirect, for the use of the internet, which includes but is not limited to, damage to personal or office computer equipment caused by virus-laden material downloaded from any website.

Public users should be aware that it is possible for third parties to obtain information regarding an individual user's search activities. As such, City internet connection should not be used to transmit payment card data, including but not limited to, credit and debit card information. Public users are encouraged to purchase and use appropriate security controls, such as encryption, and virus detection program for their devices.

Access to the Internet

As a member of the public, your access to the City's internet connection is completely at the discretion of the City and may be blocked, suspended, or terminated with or without notice, at any time for any reason.

Acceptable Use

Internet users must comply with copyright laws and all other applicable laws, and are prohibited from engaging in actions which may lead to liability for the City and actions which cause disruption of access to other users or networks.

Children and the Internet

It is the responsibility of parents or guardians to monitor and supervise their children's access to the internet and its resources. The City assumes no responsibility for damages, direct or indirect, for their children's the use of the internet, which includes but is not limited to, damage to personal or office computer equipment caused by virus-laden material downloaded from any website.

RESOLUTION NUMBER 7311

WHEREAS, the Mayor and City Council of the City of Beatrice wish to revise the policy and procedures for processing public records requests.

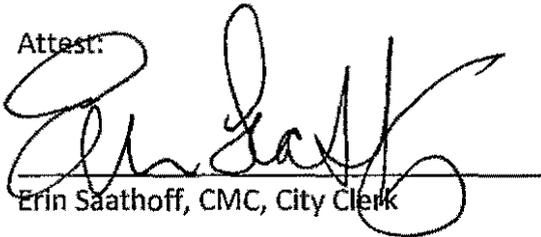
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the "Public Records Request Policy & Procedures", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

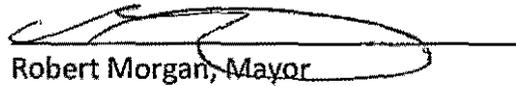
SECTION 4. That Resolution 7271 and any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 20th day of May, 2024.

Attest:



Erin Saathoff, CMC, City Clerk



Robert Morgan, Mayor



PUBLIC RECORDS REQUEST POLICY & PROCEDURES

OVERVIEW

The Legislature of the State of Nebraska enacted the Nebraska Public Records Act (Neb. Rev. Stat. § 84-712 through 84-712.09, as amended) (the "Act") to provide for an express right for citizens and interested parties to inspect and obtain copies of public records. Under this Act, it was intended that all public records of the state, its counties, and other political subdivisions should be open to inspection by citizens of the State of Nebraska and other interest parties, except where the Legislature has otherwise provided that such records shall be exempt or withheld from disclosure. The purpose of this policy is to establish procedures for fulfilling non-exempt public records requests and to promote transparency and disclosure in the workings of government.

POLICY

The City of Beatrice ("City") is subject to the Nebraska Public Records Act, and the City shall comply with Nebraska law regarding disclosure of any responsive requests to public records requests, except for public records subject to any applicable exemptions to disclosure. Nebraska law does not require the City to create or compile a record which does not exist at the time of the request. The following sections of this document establishes the procedures for requests public records, including when a fee may be charged relating to such requests. This policy shall not be construed to require the Designated Public Records Custodian, the Beatrice City Clerk, or his or her designee, to copy any public record that is available to the requester on the City's website.

PUBLIC RECORDS CUSTODIAN

PROCEDURES FOR SUBMITTING A PUBLIC RECORDS REQUEST

1. Submitting a Request

Requests for Public Records, including from media, shall be submitted in writing (if possible) to the Designated Public Records Custodian on the form available on the City of Beatrice website at beatrice.ne.gov:

City of Beatrice
ATTN: City Clerk
400 Ella Street
Beatrice, NE 68310
esaathoff@beatrice.ne.gov
402-228-5200

OPERATING PROCEDURE**1. City Time Period to Respond to Requests.**

Pursuant to the Act, the Designated Public Records Custodian, or his or her designee, shall release any non-exempt responsive records within four (4) business days from the date the request is received, unless good cause exists to prevent the release of responsive records within that time frame. If a request cannot, with reasonable good faith efforts, be fulfilled within four (4) business days after receiving the request, a written explanation for the delay shall be provided to the requester which shall also include an estimate of the expected cost of the copies, if any. The four (4) business days shall be computed by excluding the day the request is received, after which the designated period of time shall begin to run. "Business days" does not include a Saturday, Sunday, or a day during which City offices are closed.

2. Records Eligible For Disclosure; Fees and Costs.**a. Records Eligible for Disclosure.**

Copies of City publications, regulations, maps, etc., that are (i) not exempt pursuant to the Act, (ii) not deemed a security breach or violation of the Homeland Security Act, and (iii) are determined to be accessible public records, shall be made available after the receipt of any applicable costs for compiling the records and/or fee(s) established by resolution, and adopted by the city council.

b. Fees and Costs

- i. When a request has been made for inspection or production of any public record which is readily available for inspection or production, there shall be no inspection or fee charged to the requester, except for paper copies.
- ii. Where a request has been made for inspection or production of any public record which is not readily available to the Designated Public Records Custodian, or his or her designee, there shall be no inspection or production charge to the requester for the first eight (8) hours of cumulative searching, identifying, redaction, and/or administrative copying, unless the requester is not a resident of the State of Nebraska, in which case the requester shall be charged for any and all time necessary for the cumulative searching, identifying, redaction, and/or administrative copying to produce such records. For purposes of this Policy resident means a person domiciled in Nebraska and includes news media without regard to domicile.
- iii. After the first eight (8) hours of cumulative searching, identifying, redaction, or administrative copying, a record inspection and/or production fee shall be charged at an hourly rate determined by the actual per hour rate of the employee(s) engaged in the record search plus twenty-eight percent (28%) to cover benefits. A minimum of ten dollars (\$10.00) shall be charged for each request where the cumulative searching, identifying, redaction, or administrative copying exceeds eight (8) hours.
- iv. Fees for copies of records and facsimile transmission of records shall be charged to cover the cost of materials and equipment and shall be charged as established by resolution, and adopted by the city council

- v. If fees and/or costs exceed fifty dollars (\$50.00), the City shall only begin the process of compiling and review the requested records when a deposit in the amount of half the total estimated costs and/or fees has been paid by the requester.
- vi. A per page fee for large format maps and documents printed or scanned by the City Engineering Department to cover the costs of materials and equipment shall be charged as established by resolution, and adopted by the city council.
- vii. Where the copying of any public records which are not or cannot be reproduced by the City's photocopying equipment, the requested shall be charged the actual cost to the City for reproducing such records, which shall include but not be limited to cds, dvds, flash drives, and maps.
- viii. The Designated Public Records Custodian, or his or her designee, shall determine and assess a charge covering mailing, electronic transfer, and handling costs accrued in responding to requests received and processed through mail service or electronic media.
- ix. No inspection or production fee shall be charged when a denial of request is made.
- x. For non-residents of Nebraska, an inspection or production fee shall be charged for any charges for the services of an attorney to review the requested public records for seeking a legal basis to withhold the public records requested. No such fee shall be charged for residents of Nebraska.

c. Payments.

All fees and costs charged under this policy shall be paid to the appropriate department of the records inspected and/or produced, unless the requester has established an open account with the City, for purposes of billing and payment. All such accounts must be approved in advance by the City Administrator, or his or her designee, and a deposit may be required. All fees paid shall be receipted immediately and placed in the City's General Fund.

3. Time Period to Close Out Request if Requester Does Not Respond

The requester shall have ten (10) calendar days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request. If the requester does not respond to the custodian within ten (10) calendar days, the request shall not be fulfilled.

4. Denial of Requests.

If a request is denied, in full or in part, the Designated Public Records Custodian, or his or her designee, shall provide a written denial to the requester with an explanation for why the request or any part of the request was denied. If there is a legal basis for denial of the request, the Designated Public Records Custodian, or his or her designee, shall provide a written denial together with the information required pursuant to Neb. Rev. Stat. § 84-712.04.

RESOLUTION NUMBER 7331

WHEREAS, on April 11, 2024, the Nebraska Legislature adopted an amendment to Neb. Rev. Stat. § 29-121, known as the “Newborn Safe Haven Act” (the “Act”), expanding the Act to apply to Police Stations and Fire Stations; and

WHEREAS, the Mayor and City Council of the City of Beatrice find and determine that it is in the best interests of the City to adopt a Safe Haven Policy to establish operational procedures for City employees in the event a person surrenders custody of a child at or on public property; and

WHEREAS, the Mayor and City Council of the City of Beatrice desires to adopt a Safe Haven Policy establishing operational procedures for City employees in the event a person surrenders custody of a child at or on public property.

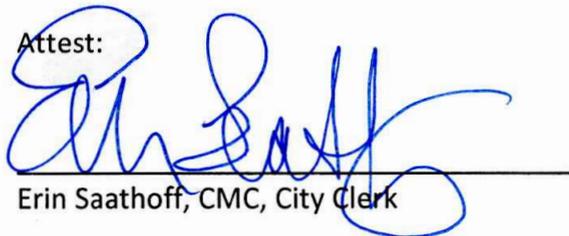
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the “Safe Haven Policy”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND APPROVED this 17th day of June, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



**STAKE
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BEATRICE

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SAFE HAVEN POLICY

OVERVIEW

The Legislature of the State of Nebraska has amended Neb. Rev. Stat. § 29-121, known as the "Newborn Safe Haven Act" (the "Act") via the adoption of LB 876. Under this Act, no person shall be prosecuted for any crime based solely upon the act of leaving a child that is ninety (90) days old or younger in the custody of an employee on duty at a hospital, fire station, or law enforcement agency. Previously, the Act precluded criminal liability for leaving a child that is thirty (30) days old or younger in the custody of an employee on duty at a hospital. The purpose of this policy is to establish procedures for operational procedures for employees working at the Fire Station and Police Station in the event a person surrenders custody of a child to the Fire Station or Police Station.

POLICY

- In the event that a person surrenders custody of a child that is ninety (90) days old or younger in the custody of an employee on duty at the Beatrice Police Station or Beatrice Fire Station, it is the City's policy to facilitate acceptance of that child into custody until custody can be transferred to law enforcement or the Nebraska Department of Health and Human Services ("DHHS"). The DHHS hotline is: 1-800-652-1999.
- On-duty employees of the Police Department or Fire Department may reasonably assume that unless the person surrendering physical custody of a child clearly expresses the intent to return to regain physical custody of the child, the employee and all other identified staff may proceed through this safe haven procedure outlined below.

PROCEDURES

- When an employee on duty at the Police Station or Beatrice Fire Station becomes aware that a person intends to voluntarily surrender the physical custody of a child to the Police Department or Beatrice Fire Department, the employee will immediately notify the supervisor on duty.
- The Police Department or Fire Department employee having contact with the person surrendering custody of the child should try to get the identity of the person surrendering the child and any medical history of the child or the child's family. This information may be requested but cannot be required.
- The supervisor on duty will contact law enforcement and/or DHHS as soon as reasonably possible. The supervisor on duty shall ensure that any documentation required is timely and accurately recorded and provided to law enforcement and the DHHS.
- Employees of the Police Department or Fire Department may perform reasonably necessary acts to protect the health, safety and confidentiality of the child surrendered to its custody until law enforcement is engaged and custody has been transferred to DHHS. Once a child has been placed in the custody of DHHS, DHHS must consent to any further treatment.

RESOLUTION NUMBER 7229

WHEREAS, Certain transportation facilities (roads, streets, trails, and others) in the City of Beatrice, Nebraska have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

WHEREAS, the City of Beatrice, Nebraska desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, the Nebraska Department of Transportation as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

WHEREAS, the City of Beatrice, Nebraska as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the **Title VI – Civil Rights Policy** of the City of Beatrice, Nebraska; and

WHEREAS, the City of Beatrice, Nebraska understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Beatrice, Nebraska being required to repay some or all of the federal funds expended for a project(s).

BE IT RESOLVED, the City of Beatrice, Nebraska, City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of the City of Beatrice, Nebraska.

BE IT FURTHER RESOLVED, The City of Beatrice, Nebraska, City Council does hereby designate the following as responsible for the management of the Title VI – Civil Rights process:

City Clerk.

RESOLUTION PASSED AND ADOPTED this 20th day of February, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor

City of Beatrice, Nebraska Title VI Implementation Plan

Policy Statement

In accordance with Title VI of the Civil Rights Act of 1964 and related statutes, the City of Beatrice, Nebraska ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services, or activities administered by the City of Beatrice, Nebraska.



Signature of Responsible Agency Official

Erin Saathoff, City Clerk
Name and Title of Responsible Agency Official (please print)

2-20-24

Date

City of Beatrice, Nebraska
Title VI Nondiscrimination Assurances

DOT Order No. 1050.2A

The City of Beatrice, Nebraska (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through Federal Highway Administration and Nebraska Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient hereby gives the following Assurances with respect to its Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program" as defined in §§ 21.23(b) and 21.23(e) of 49 CFR § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and Regulations made in connection with all Federal Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The City of Beatrice, Nebraska, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, or similar instruments entered into by the Recipient with other parties:
 - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this ASSURANCE, City of Beatrice, Nebraska also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Federal Highway Administration or Nebraska Department of Transportation access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration or Nebraska Department of Transportation. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Nebraska Department of Transportation*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

City of Beatrice, Nebraska gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration and Nebraska Department of Transportation. This ASSURANCE is binding on Nebraska, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Signature of Responsible Agency Official

Erin Saathoff City Clerk

Name and Title of Responsible Agency Official (please print)

2/20/2024

Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, or the Nebraska Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- (4) **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration or Nebraska Department of Transportation may determine to be appropriate, including, but not limited to:
 - (a.) withholding payments to the contractor under the contract until the contractor complies; and/or
 - (b.) cancelling, terminating, or suspending a contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient, the Federal Highway Administration, or Nebraska Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that, if the contractor becomes involved in, or is threatened with litigation with a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law and upon the condition that the City of Beatrice, Nebraska will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable federal statutes, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Beatrice, Nebraska all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Beatrice, Nebraska and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Beatrice, Nebraska, its successors and assigns.

The City of Beatrice, Nebraska, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Beatrice, Nebraska will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Beatrice, Nebraska pursuant to the provisions of Assurance 7(a).

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Beatrice, Nebraska will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of Beatrice, Nebraska will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities shall there upon revert to and vest in and become the absolute property of the City of Beatrice, Nebraska and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Beatrice, Nebraska pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Beatrice, Nebraska will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Beatrice, Nebraska will there upon revert to and vest in and become the absolute property of City of Beatrice, Nebraska and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Organization and Staffing

Pursuant to 23 CFR 200, City of Beatrice, Nebraska has appointed a Title VI Coordinator who is responsible for City of Beatrice, Nebraska's Title VI Program.

City Clerk

400 Ella Street

Beatrice, NE 68310

(402) 228-5200

Implementation Procedures

This document shall serve as the Local Public Agency's (hereinafter referred to as the LPA) Title VI Plan pursuant to 23 CFR 200 and 49 CFR 21. For the purposes of this Title VI Implementation Plan, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The LPA shall:

- a) Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by the Federal Highway Administration, Nebraska Department of Transportation, or the U.S. Department of Transportation within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, will be forwarded to NDOT's Highway Civil Rights Manager within 10 days of the date the complaint was received by the LPA.
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the

programs and activities conducted by the LPA.

- g) Conduct Title VI reviews of the LPA and subrecipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.
- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
 - 1) Annual Work Plan
 - Outline Title VI monitoring and review activities planned for the coming year; identify which activities will be accomplished and target date for completion.
 - 2) Accomplishment Report
 - List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified, and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator.
 - List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 and related statutes may file a complaint with the LPA. All complaints will be referred to the LPA's Title VI Coordinator for review and action.
2. Complaints must be filed within 180 days of the last date of alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints.

In either case, the LPA or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints should be in writing and signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the LPA's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOT, FHWA, and U.S. DOT.
5. The LPA will advise the NDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification:
 - a) Name, address, and phone number of the complainant;
 - b) A written explanation of what has happened;
 - c) The basis of the complaint (i.e., race, color, national origin);
 - d) The identification for the respondent, e.g. agency/organization alleged to have discriminated;
 - e) The date(s) of the alleged discriminatory act(s);
 - f) The date of complaint received by the LPA;
 - g) Other agencies (state, local or Federal) where the complaint has been filed; and,
 - h) An explanation of the actions the LPA has taken or proposed to resolve the issue raised in the complaint.
6. NDOT will forward the complaint to the FHWA. The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the LPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within 90 days of receipt of the complaint, the head of the LPA will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOT, or U.S. DOT, if they are dissatisfied with the final decision rendered by the LPA. The Title VI Coordinator will also provide NDOT with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against the LPA should immediately be forwarded to NDOT for investigation. The LPA will not investigate any complaint in which it has been named in the complaint.

10. Contacts for Title VI administrative jurisdictions are as follows:

Nebraska Department of Transportation
NDOT Civil Rights Office, Title VI Program
P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4544

Federal Highway Administration
Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402) 437-5765

RESOLUTION NUMBER 6468

WHEREAS, smoking, including second-hand smoke, can be detrimental to the health of both children and adults; and

WHEREAS, the use of tobacco products in public places can result in litter and debris; and

WHEREAS, restricting the use of tobacco products in outdoor facilities is intended to protect and promote the health, safety, and welfare of everyone.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

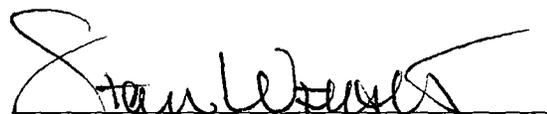
SECTION 1. That the “Policy for Tobacco Use on Public Properties”, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 4. That any and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 7th day of October, 2019.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor



BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL

400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER

500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

POLICY FOR TOBACCO USE ON PUBLIC PROPERTIES

Definitions

For purposes of this policy, the term "Tobacco Products" includes cigarettes, cigars, cigarillos, pipes, chewing tobacco, snuff, and any other tobacco products. "Electronic Nicotine Delivery Systems" includes vape pens, vape boxes, E-cigarettes, or any other device used to deliver nicotine.

Statement of Purpose

It is the purpose of this policy to establish guidelines for the use of tobacco products and electronic nicotine delivery systems on property owned by the City of Beatrice.

Indoor Usage

The use of tobacco products and electronic nicotine delivery systems shall be prohibited in all buildings and vehicles owned by the City of Beatrice at all times.

Outdoor Usage

The outdoor use of tobacco products and electronic nicotine delivery systems shall be prohibited at the following locations:

1. Big Blue Waterpark
2. Sertoma Astro Park Splash Pad
3. The skatepark located near the intersection of Court Street and Center Street
4. Within 25 feet of any playground
5. Within 25 feet of any basketball court, tennis court, soccer field, baseball field, softball field, or the nonsmoking spectators thereof.

Employee Usage

Employees of the City of Beatrice and the Beatrice Board of Public Works are prohibited from using tobacco products or electronic nicotine delivery systems during regular and overtime work periods, except during unpaid lunch breaks. For the purposes of this policy, regular and overtime work periods shall not include sick leave time, vacation time, or compensatory time.

RESOLUTION NUMBER 7264

A resolution adopting the revised Beatrice Big Blue Water Park Policy & Procedures Manual.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk of the City of Beatrice, Nebraska hereby adopts the revised **Beatrice Big Blue Water Park Policy & Procedures Manual**. A copy of said Manual, marked as Exhibit "A", is attached hereto and incorporated herein by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 1st day of April, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor

Exhibit "A"



BEATRICE BIG BLUE WATER PARK

POLICY & PROCEDURES MANUAL

INTRODUCTION

The City of Beatrice, Nebraska strives to provide a safe and enjoyable water park for the citizens of Beatrice. Employees of the Big Blue Water Park ("Park") are expected to be professional, courteous, and vigilant at all times. While providing a fun experience is important for the Park, safety is the top priority. To ensure that safety trumps all else, each and every Park employee must be knowledgeable, well-prepared, and follow all guidelines contained in this manual. In addition to the policies and procedures set forth in this manual, Park employees shall adhere to all rules and regulations included in the Non-Union Handbook and their respective job descriptions.

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Section 1: General Information

1.1 Hours of Operation

The City shall establish the daily hours of operation; those hours are generally 12:30 p.m. to 7:00 p.m. but are subject to change.

Note: If the pool closes due to weather conditions, an attempt to reopen will be made later in the day.

1.2 Pool Parties

Pool parties will be by reservation only. Private pool parties are available after hours. A sign-up sheet for guards for private parties will be provided as needed. No food or drink is to be brought in without the prior approval of the Water Park Manager. Special rates available.

1.3 Telephone Calls

The telephones in the offices shall only be used to receive messages, to place emergency calls, and for pool business purposes. Persons calling the pool to talk to speak with a member of the public at the facility will not be allowed to do so, except in emergency situations. Otherwise, a message will be taken and passed on. Cell phones shall not be taken to a lifeguard stand and must remain in lockers, except when staff is on break.

1.4 Safety Checks

Safety checks will be announced at the discretion of a Water Park Manager on duty.

1.5 Rotation

Rotation guidelines will be explained by the Water Park Manager before the pool opens at the start of the season. A daily schedule of where each guard will start will be provided by the Water Park Manager. The rotation will be in thirty (30) minute increments, with breaks scheduled throughout the rotation. All guards shall make every effort to be on time for each rotation. Repeated tardiness will result in disciplinary action.

1.6 Days Off

Each full-time staff member will have at least one (1) day off per week as designated by the Water Park Manager. Staff members unable to make their work schedule must arrange for their own substitutes from a pre-approved list. Any staff member wishing to switch days may do so, but must contact the Water Park Manager for approval beforehand to eliminate confusion or under-staffing. Guards must use the GroupMe application and change dates on the homebase program.

Official uniforms are NOT to be worn at the pool on days off. Requested days off shall be granted based on availability of staff.

1.7 Free Time

Before Opening: With approval of the Water Park Manager, staff may come into work early on days they are scheduled to work in order to use the pool. Staff using the pool before opening hours are not considered "on duty" for purposes of workman's compensation claims.

During Open Hours: Employees are expected to stay on park grounds while on the clock. Employees leaving the grounds for personal reasons must sign out. During breaks, staff members must remain aware of both their surroundings and their co-workers so that they can assist where needed. Uniforms shall remain on at all times while on duty for easy identification purposes in the event of an emergency or crisis.

After Closing: Admissions staff is responsible for ensuring the offices are clean. Lifeguards are responsible for ensuring bathrooms are cleaned and that all equipment is properly stored and that the deck, pool, and grounds are clear of all items. No staff shall leave the park area until approval is given by management.

1.8 Clocking In/Out

To clock in/out for shifts, Park staff will be provided access to an app on their personal cell phones. The Water Park Manager will carefully check and calculate the hours worked for each employee.

1.9 Reimbursements for Swimsuits

Park staff may be reimbursed for up to seventy-five dollars (\$75.00) for their purchase of a swimsuit – one (1) top and bottom or a one-piece – after working fifty (50) hours.

1.10 In Services

Staff in-services will be planned and implemented by the Water Park Manager. Staff will be required to attend a specified number of in-services.

1.11 All Staff

All staff must take part in maintaining the cleanliness and overall upkeep and appearance of the facility, inside and out.

Requirements

- Follow and enforce pool rules and policies.
- Be in uniform during hours of operation.
- Cleaning may be assigned by the Water Park Manager for the following tasks:
 - Hosing off the deck;
 - Watering trees and flowers;
 - Weed removal;
 - Skimming the pool surface;
 - Emptying trash cans
 - Vacuuming or sweeping the pool.

Section 2: EMERGENCY PROCEDURES

Emergency Codes

Red = Fire

Black = Tornado/Severe Weather

Adam = Missing Child

Orange = Bomb Threat

2.1 Emergency Communication Plan Summary: What to Do During an Emergency

- Remain calm and maintain an attitude of cooperation.
- Contact the Water Park Manager, Donna Arena, of the situation. Cell Phone: (402)806-1677.
- Direct all media inquiries and parent inquiries to the City Administrator.
- Assist as directed in confirming facts and locating witnesses.
- Do not volunteer information to spectators, strangers or anyone not immediately involved, including other staff.

2.2 Evacuation Procedures

Evacuation Procedures will be posted at strategic locations. All Park employees shall familiarize themselves with the Evacuation Procedures.

2.3 Calling 911

- Dial 911.
- Identify yourself and the nature of emergency.
- LOCATION: Beatrice Big Blue Water Park, 1219 Scott Street.
- If emergency is of a medical nature, give victim's condition, including but not limited to:
 - consciousness (awake, verbal responsive, pain responsive, unconscious);
 - breathing;
 - pulse;
 - bleeding;
 - possible spinal injury;
 - possible fractures; and
 - age, gender
- Send a staff member to flag down EMS.
- Give any other pertinent information.
- HANG UP LAST.
- Notify the Water Park Manager.
- If 911 is called, notify the Water Park Manager of the status of the emergency.

2.4 Incidents Outside Facility/In the Parking Lot

If a person is injured, or if a fight occurs in the parking lot area of the park, staff must immediately notify the Water Park Manager, who can notify law enforcement at his/her discretion.

2.5 Injury/Illness Reporting & Procedure

Major Injuries or Illness (Heart attacks, no pulse, severe bleeding, drowning, fractures, etc.)

- Identify victim.
- Blow whistle and begin clearing the pool.
- Clear the immediate area and isolate the victim.
- Perform First Aid and/or CPR using Personal Protective Equipment – do not move unless required to prevent further injury.

- Notify the Water Park Manager.
- If 911 is called, notify the Water Park Manager.
- Continue First Aid/CPR until relieved by EMS.
- Fill out an Accident/Injury Report.
- If necessary, fill out the DHHS Swimming Pool Accident Report.
- Direct media inquiries to the City Administrator.

Minor Injuries or Illness (Slips or falls that do not appear serious, cuts, scrapes, bruises or illness)

- Identify victim.
- Blow whistle and begin clearing the pool.
- Begin First Aid/CPR using Personal Protective Equipment.
- Notify Water Park Manager.
- When a child is injured or falls ill, inform a parent or guardian and have them decide whether to:
 1. Pick up the child from the park; or
 2. Send the child to the hospital via EMS.
- Fill out an Accident/Injury Report.
- Direct media inquiries to the City Administrator.

NOTE: Documentation must be done when any care is given.

2.6 Staff Injury Reporting Procedure

- Notify the Water Park Manager within twenty-four (24) hours of injury.
- Take the Accident/Injury report to the Water Park Manager and ask for a "Worker's Compensation Report".
- Go see your primary physician if you need medical treatment; and if that is not possible, go to the nearest Emergency Room.

2.7 Distressed / Drowning Swimmers

Another serious situation that lifeguards must be prepared for is a distressed swimmer or an active drowning victim. While not limited to those listed below, the following are signs of a swimmer in trouble:

- A call for help (not from an active drowning victim);
- Excessive thrashing with arms to the side and head back;
- Neutral to negative buoyancy; or
- Facial expression of fear or panic.

The primary rescuer shall alert all lifeguards with two (2) short whistle blasts. A second guard shall alert the inside staff to the type and location of the emergency.

2.8 Testing Emergency Procedures

The readiness and skill of Park staff may be tested on occasion at the discretion of the Water Park Manager. This may occur during pool operating hours or during a special practice outside of operating hours.

DURING OPEN HOURS: When a drill occurs during open hours, a Water Park Manager or other staff member shall make the regular safety check announcement after the appropriate notification. Then the following announcement shall be made and repeated during the drill to prevent panic or rumors: "If I may have your attention. What you are witnessing is a drill. The person in the water is acting and is not injured. An announcement will be made when you can reenter the pool. Thank you for your cooperation." All staff members shall take the appropriate actions assigned to them and carry them out as if this were a real accident.

2.9 Fire – Code Red

- Upon alarm activation, “Code Red” must be announced on the public announcement system.
- All staff go to the Reception Desk.
- The Water Park Manager will proceed as evacuation coordinator. The evacuation coordinator will assign areas to other key staff. Staff assigned to these areas will clear and secure their assigned location. Staff and members of the public must follow the instructions of evacuation leader.
- Evacuate all areas to the nearest exit.
- Contact the Water Park Manager.
- If a fire cannot be extinguished immediately with a fire extinguisher, call 911.
- If 911 is called, notify the Water Park Manager and let them know you made the call.
- If someone refuses to clear the area as directed, seek help from other staff.
- If the fire alarm is determined to be a false alarm, staff and members of the public may reenter the park at the direction of the Water Park Manager.
- If the Fire Department is required to put out the fire, the facility may not be reentered until cleared by the Fire Department.
- If the Fire Department arrives, follow the directions of the Fire Department.
- Fill out the Incident Report once the situation is over.

For minor fires, use the fire extinguishers to extinguish the fire. Notify the Water Park Manager and complete an Incident Report.

Fire Extinguisher locations:

- Bathroom
- Pool Pump House
- Storage Room
- Concession Stand

2.10 Lightning; Severe Weather; Tornadoes – Code Black

The Water Park Manager has the primary responsibility for monitoring the weather, through the radio, televisions, or direct observation of the current conditions. Every effort shall be made to get the members of the public out of the pool as quickly as possible if a storm seems imminent, or if a tornado warning is issued. At the Water Park Manager’s discretion, members of the public may be asked to exit the pool as a result of imminent or occurring storms, lightning, or tornado warnings.

Lightning/Thunderstorms

- Listen to broadcast weather reports.
- Notify the Water Park Manager when lightning is within ten (10) miles of the water park, or when lightning is visible by Park staff.
- When authorized by the Water Park Manager, “Code Black” must be announced on the public announcement system.
- Clear the facility and pool area.
- When the Water Park Manager authorizes clearing the pool as a result of inclement weather, members of the public must be moved inside, or sent home.
- The pool must be closed for at least thirty (30) minutes after the most recent lightning strike was observed.

Severe Weather/Tornadoes

- Listen to broadcast weather reports.
- Notify the Water Park Manager if a severe weather warning or tornado warning is issued.
- When authorized by the Water Park Manager, "Code Black" must be announced on the public announcement system.
- Clear the facility and pool area.
- When the Water Park Manager authorizes clearing the pool as a result of inclement weather, members of the public must be moved inside, or sent home.
- Staff cannot force members of the public to stay in the facility; staff may only recommend it, except for children not accompanied by a parent or guardian.
- Escort remaining members of the public to shelter.
- Instruct everyone to sit next to an interior wall and cover their heads.
- Resume normal activity after the Emergency Broadcast System indicates the threat has passed.

Power Failure

- In the event of power failure, the pool must be closed.
- Establish communications with key staff.
- Locate flashlights.
- Notify the Water Park Manager to determine the level of emergency and determine whether it is necessary to evacuate the building.
- Notify the Reception Desk not to admit anyone until further notice, except for parents or guardians picking up children.
- Clear and secure all areas.
- If it is determined that power failure is not due to fire, the Water Park Manager shall assign staff to guide members of the public to pick up their belongings.
- If necessary, call 911, then notify the Water Park Manager that you made the call.

2.11 Missing Child – Code Adam

- If a child goes missing, determine the child's identity and notify the Water Park Manager.
- When authorized by the Water Park Manager, Code "Adam" must be announced on the public announcement system.
- The Water Park Manager will designate a search coordinator, who will assign search areas.
- Form a detailed description of the child including, but not limited to:
 - Name;
 - Age;
 - Hair Color;
 - Weight; and
 - Clothing.
- If the child is not found within ten (10) minutes, call 911.
- If a child is found with a suspected abductor, do not allow them to leave the facility.
- Park staff are NOT ALLOWED to use force to prevent a suspected abductor from leaving the facility.
- In the event a suspected abductor leaves the facility, immediately call 911.
- If 911 is called, notify the Water Park Manager that you made the call.
- If the child is found, use the public announcement system to cancel the Code Adam.
- Fill out an incident report.
- Direct media inquiries to the City Administrator.

2.12 Bomb Threats – Code Orange

Park staff must treat all bomb threats as a real threat. Always report any suspicious packages, actions or conditions. If a person makes a bomb threat, staff shall:

- Remain calm.
- Listen to the person making the threat carefully, and if safe to do so, take notes.
- If the threat is over the phone, listen for background noise, accent, or other distinguishing details and record them.
- Notify the Water Park Manager immediately.
- Call a Code “Orange” over the public announcement system.
- Clear the pool.
- Call 911 and inform the Water Park Manager that the call was made.
- Help escort members of the public to exits.
- Be observant of any unusual or suspicious packages or conditions.
- If someone refuses to clear the area as directed, seek help from other staff.
- Only re enter the building or facility when permitted or instructed by authorities.
- Fill out the incident report.

2.13 Alleged or Suspected Child Abuse

Park staff are mandatory reporters of suspected child abuse. Suspicions of child abuse must be reported to the Water Park Manager. If the Water Park Manager cannot be reached, this should not deter anyone from reporting suspected child abuse.

Cases shall be dealt with professionally, confidentially, and immediately. All media inquiries shall be directed to the City Administrator.

The Beatrice Big Blue Water park prohibits inappropriate touching and verbal and physical abuse of any child. During, or immediately after the occurrence of any suspected child abuse, Park staff must:

- Complete an incident report.
- Notify the Water Park Manager of the incident.
- Report, or cause to be reported, the occurrence to Children’s and Family Services, or the appropriate authorities.

Investigation by Authorities

If the authorities come to investigation a situation or child, the Water Park Manager must:

- Ask for identification.
- Follow their directions, answering all questions honestly.
- Complete an incident report.

Child Abuse Hotline: 1-800-652-1999

2.14 Violent Threats to Safety

Park staff must take any violent event or threat seriously. Staff must act quickly and professionally as follows:

Actual Violent Event (gun violence, major damage to facility, etc.)

- Call 911, then inform the Water Park Manager that you called.
- If safe to do so, clear other staff and members of the public from the area.
- If necessary, clear the pool and facility of staff and members of the public.
- When safe to do so, gather witnesses and try to identify the assailant and/or their vehicle.
- If addressing the assailant, speak in a low, slow, and calm voice.
- Fill out accident/incident reports.
- Reenter the facility at the Water Park Manager's discretion.

Threats of Violence

- Notify the Water Park Manager.
- Identify the person who made the threat.
- Remove the person who made the threat from the area and other members of the public. If they refuse, remove other members of the public from the area.
- If the threat is made by a minor, notify the child's parents.
- At least one staff member shall remain with the minor until the child leaves the facility.
- Determine whether contacting the police is necessary; and if necessary, dial 911 and inform the Water Park Manager that you made the call.
- Fill out accident/incident reports, and include witnesses.
- If police are called, let the officer deal with the situation and any parents of minors involved.
- When necessary, inform the person who made the threat, or their parents/guardians that they will be suspended until police complete their investigation, and the Water Park Manager has had a conference with them, or the parents/guardians of the child. All agreed upon conditions established by the Water Park Manager and police must be met before the person may return to the facility.
- Copy any reports made for the police.

Robbery

- Remain calm.
- Note what the suspect looks like – take note of physical description and clothing.
- Do not antagonize the suspect.
- Remember the suspect's vehicle – note the description of the vehicle and direction of travel.
- DO NOT attempt to follow a suspect out of the facility or write down information in front of them.
- Once certain the suspect is gone, call 911 and notify the Water Park Manager that you made the call.
- Notify the Water Park Manager and let them further handle the situation.
- Complete an accident/incident report – include descriptions on a separate sheet of paper.
- Do not disturb the crime scene area by touching anything the suspect may have touched.
- Wait for the police to arrive and follow their instructions.
- Copy any reports made for the police.

Section 3: Discipline Procedures

3.1 Discipline of Members of the Public

The pool rules may be found in Section 5 of this manual; however, this list is subject to changes, additions, or deletions at any time. Each staff member must be familiar with these rules and strive to implement them fairly and at all times, regardless of how many people are using the pool.

Suspensions

Anyone caught in serious violation of the rules of this pool may be suspended from the Park at the discretion of the Water Park Manager. The Water Park Manager shall determine the duration of suspension for anyone suspended from the Park based on the seriousness of the violation, the general actions of the person previously, and the discretion of the staff member taking action.

Be sure to make clear to those who are kicked out the day on which they may return. The parents of any minors who are kicked out must be contacted before the child leaves.

Suspension Sheets

Suspension sheets are to be filled out on every person suspended from the Park. The sheets need to be completed with:

- the name of the person;
- all improper actions by the person;
- the date on which person was kicked out; and
- the date that they may return.
- chart of incidents for youth and staff

Note: in the event that the Water Park Manager cannot be reached to determine the length of suspension, then the suspension sheet may be completed by writing "TBD" or "to be determined" for the date on which the person may return. The Water Park Manager shall call the person suspended or their parent/guardian within twenty-four (24) hours of the suspension to determine the length of the suspension.

The Park employee taking action shall include their signature. A space is also available for comments by other staff members and/or members of the public with relevant information. All staff members shall record any disciplinary action taken on the suspension sheet even if they were not the staff member who removed the person from the facility. These sheets are to be kept available for reference in the office. A list and pictures will be posted by the cash register of persons who are currently kicked out, and the dates on which they may return.

3.2 Discipline of Staff

Disciplinary action that may be taken against a staff member includes verbal warnings, written warnings, suspension, or termination. Any problems observed by staff members shall immediately be reported. Discussion of staff disciplinary issues is prohibited.

Section 4: Staff Rules and Guidelines

4.1 General Rules and Guidelines

- Safety is always first.
- Be alert for dangerous situations at all times.
- Be in required uniform at all times while on duty.
- Be courteous and respectful to members of the public and Park staff.
- Show up to your shift on time.
- Maintain a positive attitude.
- Recognize the City of Beatrice as your employer.
- The best advertisement for the Park is a satisfied customer.
- Only Park staff are allowed in the offices or in the concessions stand.
- Always present yourself in a professional manner.
- Every staff member is expected to know their job duties and park policies and procedures.
- Eat/drink only in designated areas and when on breaks.
- Turn in all lost and found items to the office. (All items will be held for two (2) weeks).
- In cases of questionable weather, Park staff must still report to the pool for duty unless instructed otherwise. Other duties may still be assigned to you.
- Report any accidents or needed repairs to the Water Park Manager.
- NO FREE FOOD FOR ANYONE-members of the public and employees must pay for concessions.
- Being under the influence of drugs/alcohol while on duty will result in immediate dismissal.
- Do not use abusive language or profanity while on duty.
- Only designated staff shall use the public announcement systems.
- Staff shall not extend any privileges of employment to friends or relatives.
- While on duty, even if on a break, staff shall be aware of their surroundings and ready to support the other lifeguards if necessary.
- Staff must use careful discretion regarding physical contact with guests.
- Staff shall park only in designated areas.
- The appearance of the facility is one of your responsibilities, take pride in your work.
- It is your duty to independently complete assigned tasks satisfactorily.

4.2 Lifeguard Rules and Guidelines

- Guards shall not engage in unnecessary conversations while on duty.
- A whistle is required while on duty.
- Refrain from wearing jewelry, except for a watch or ring.
- Rescue tubes are to be within easy reach while on duty.

Whistle signals:

- Two (2) short whistles = leaving chair/position
- One (1) whistle long = clear the pool.

Hand signals for use on the slides:

- Cross both hands over head = stop anyone from sliding on slides
- Thumbs up = means resume activity on slides.

Section 5: Appendix

5.1 Park Rules

1. All guests age seven (7) or under MUST be accompanied by a responsible person fifteen (15) years of age or older.
2. Members of the public are required to take a shower before entering the pool or pool area.
3. Members of the public with open sores or any infectious diseases are not permitted in the pool.
4. Weak swimmers, or those who cannot swim, are not allowed in the diving area.
5. Must be forty-five (45) inches or taller in order to use the slides alone.
6. No diving in shallow water.
7. No running or horseplay in the facility.
8. Only one (1) person may be on the diving board at a time.
9. No repeated bouncing on the diving boards.
10. No drinking containers, coolers, food or drinks may be brought into the park without the approval of the Water Park Manager - NO EXCEPTIONS.
11. Swimming aids and toys are allowed in the shallow end of the pool at the discretion of the Water Park Manager.
12. Life jackets or floaties are not allowed in the diving board or slide area.
13. No spitting, spouting, or blowing nose in water.
14. Swimmers must wear swimsuits or trunks (no exposed metal, jean shorts or colored t-shirts).
15. No street shoes on the pool deck.
16. Only authorized personnel may use First Aid or lifesaving.
17. Food/drink must be consumed only in designated areas.
18. No hanging on the ropes/diving boards/slides.
19. The baby pool is for small children accompanied by a parent or guardian. Babies must wear swim diapers at all times.
20. No towels or sunbathers within three (3) feet of the pool edge.
21. No smoking, vaping or alcohol permitted in the park.
22. The City is not responsible for stolen or lost items.
23. No refunds, including for closures of the Park for inclement weather.

5.2 Forms

1. Incident Report
2. Suspension/Discipline Form
3. Accident/Injury Report
4. Theft Report
5. Schedule Change Form
6. Employee Acknowledgment Form
7. Department of Health & Human Services Swimming Pool Accident Report

**BEATRICE BIG BLUE WATER PARK
SUSPENSION/DISCIPLINE FORM**

Name: _____ Date: _____ Time: _____

May return on this date: _____

DESCRIPTION OF OFFENSE:

COMMENTS:

Signature of Guest: _____ Date: _____

Signature of Guard: _____ Date: _____

Signature of Manager on duty: _____ Date: _____

Were Parents called? YES / NO

Parents Name: _____ Phone #: _____

Additional Comments:

**BIG BLUE WATER PARK
ACCIDENT/INJURY REPORT**

Date: _____ Time: _____ Day: Sun M T W Th F Sat

Name of Guest: _____ Age: _____ Sex: M / F

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

- | | | | |
|--------------------------------------|--------------------------------------|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Concessions | <input type="checkbox"/> Diving Area | <input type="checkbox"/> Bathhouse | <input type="checkbox"/> Purple Slide |
| <input type="checkbox"/> Youth Pool | <input type="checkbox"/> Sand | <input type="checkbox"/> Parking Lot | <input type="checkbox"/> Pink Slide |
| <input type="checkbox"/> Zero Depth | <input type="checkbox"/> Mushroom | <input type="checkbox"/> Frog Slide | <input type="checkbox"/> Other |

Describe the accident: _____

First Aid given: _____

Was EMS (911) called: YES / NO Time: _____ AM / PM

Was Law Enforcement called: YES / NO Time: _____ AM / PM

Contributing Factor(s) (mark all that apply)

- | | | |
|--|---|--|
| <input type="checkbox"/> Non-Swimmer | <input type="checkbox"/> Novice / Tired | <input type="checkbox"/> Medical Emergency |
| <input type="checkbox"/> Disoriented | <input type="checkbox"/> Intoxicated | <input type="checkbox"/> Unattended Child |
| <input type="checkbox"/> Horseplay/Running | <input type="checkbox"/> Unaware of Water Depth | <input type="checkbox"/> Not Following Rules |

Name of Parents / Person notified: _____

Follow-up Information: _____

- | | | | |
|-------------------------------|--|---|---|
| <input type="checkbox"/> Rest | <input type="checkbox"/> Informed of rules | <input type="checkbox"/> Warned to Obey Rules | <input type="checkbox"/> Asked to Leave |
|-------------------------------|--|---|---|

Released:

- | | | | |
|---|---------------------------------|---|--------------------------------|
| <input type="checkbox"/> After Report Completed | <input type="checkbox"/> To EMS | <input type="checkbox"/> To Parent / Guardian | <input type="checkbox"/> Other |
|---|---------------------------------|---|--------------------------------|

List of Managers / Guards on duty: _____

Signature of Victim: _____

Signature of Parent/Guardian (if under 18): _____

Signature of Employee: _____

Guest Refused or Unable to Sign: _____ Manager's Signature: _____

**BEATRICE BIG BLUE WATER PARK
THEFT REPORT**

Date: _____ Time: _____ Day: Sun M T W Th F Sat

Name of Guest: _____ Age: _____ Sex: M / F

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

DESCRIPTION OF INCIDENT:

LIST ITEM(S) MISSING:

Approximate value of missing item(s): _____

Was Law Enforcement called: YES / NO

Signature of Victim

Employee Signature

Manager's Signature

**BEATRICE BIG BLUE WATER PARK
SCHEDULE CHANGE FORM**

Employee Name: _____ Date(s) of Request: _____

Sub Name: _____ Sub's Signature: _____

APPROVED DENIED

Authorized Signature

**BEATRICE BIG BLUE WATER PARK
SCHEDULE CHANGE FORM**

Employee Name: _____ Date(s) of Request: _____

Sub Name: _____ Sub's Signature: _____

APPROVED DENIED

Authorized Signature

**BEATRICE BIG BLUE WATER PARK
SCHEDULE CHANGE FORM**

Employee Name: _____ Date(s) of Request: _____

Sub Name: _____ Sub's Signature: _____

APPROVED DENIED

Authorized Signature

**BEATRICE BIG BLUE WATER PARK
ACKNOWLEDGEMENT FORM**

Review, sign, and return this form to the Water Park Manger. This form will remain in your personnel file.

I, _____, hereby acknowledge that I have received a copy
(print name)
of the Beatrice Big Blue Water Park Policy & Procedures Manual. I also acknowledge that I
have read and understand the responsibilities, emergency procedures, staff rules, and
guidelines.

Employee's Signature

Date

RESOLUTION NUMBER 7241

A resolution adopting the revised Beatrice Public Library Handbook.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk of the City of Beatrice, Nebraska hereby adopts the revised **Beatrice Public Library Handbook**. A copy of said Handbook, marked as Exhibit "A", is attached hereto and incorporated herein by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 4th day of March, 2024.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



BEATRICE

CITY • BOARD OF PUBLIC WORKS

Beatrice Public Library Handbook



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MISSION STATEMENT

It is the mission of the Beatrice Public Library to provide library resources and services for the interest, information, and enlightenment of all people of the communities the Beatrice Public Library serves.

LIBRARY OBJECTIVES

The Beatrice Public Library subscribes to the American Library Association's Library Bill of Rights, Freedom to Read Statement, and Freedom to View Statement as adopted by Resolution 6843.

The Beatrice Public Library shall support the Mission Statement in the following ways:

1. To organize, preserve, and administer collections of books and other complementary educational and recreational material in a variety of formats, including electronic.
2. To facilitate programs, exhibits, booklists, and other similar resources and activities to promote the use of Library materials.
3. To serve the community as a center of accurate information.
4. To promote and support the communication of ideas and an enlightened citizenry.
5. To promote and support educational, civic, and cultural activities.
6. To provide opportunity and encouragement for people of all races, sexes, religions, ages, colors, national origins, ancestries, physical handicaps, or marital statuses to educate themselves continuously and to enrich their personal lives.
7. To continually identify community needs and provide programs, policies, and services to meet such needs.
8. To cooperate with other organizations, agencies, and institutions to implement the Beatrice Public Library's programs and services.
9. To provide recreational opportunities through the use of literature, music, film, and other art forms.

CIRCULATION

1. To check out materials from the Library, the account holder must have a current Beatrice Public Library card in good standing.

2. Persons residing outside the City of Beatrice will be considered “non-resident users”. Non-resident users may borrow library materials only upon payment of the non-resident user fee and any and all other appropriate fee(s) established by resolution and adopted by the City Council.
3. By checking out an item, account holders, or their adult signatories, agree to accept full financial responsibility for materials for the duration of the checkout period, including failure to return the materials, and any damage incurred through abuse or misuse.
4. Patrons may not purchase and/or download content onto the Library's e-devices. Any content purchased will be charged to the patron's account.
5. The Beatrice Public Library disclaims all liability for loss of confidential information or damages resulting from that loss, and accepts no responsibility for breach of privacy on library devices made available for checkout.
6. Check Out Periods
New books and magazines may be checked out for one (1) week and all other materials may be checked out for two (2) weeks. All materials may have up to two (2) renewals and the renewal terms shall be equal to the original check out term.

*Items on hold for another account holder are not renewable. Account holders may have up to ten (10) items on hold at one time.

INSTITUTIONAL LIBRARY CARD PROCEDURE

1. The Beatrice Public Library issues institutional cards to non-profit and not-for-profit public organizations as a courtesy and convenience. This entitles the user to a longer check-out period and a waiver of the fines usually assessed when overdue notices are generated by the library computer system.
2. The institutional card shall be used for checking out items only for work-related responsibilities at the institution and not for personal or family use. (Individual cards can be issued for such use; and employees can make arrangements to get their own personal cards.)
3. Institutional cards shall be issued according to the following guidelines:

Schools: an institutional card is issued in the name of each authorized staff person. (Example: Washington School—John Doe)

Day Cares, Head Start, and Group Homes: card is issued to the director who supervises its use by staff members.

Beatrice State Development Center: card is issued to each unit whose supervisor authorizes its use by staff clients.

Others: card is issued to the director, who supervises its use by staff members.

4. Institutional card holders must bring the institutional card with them to the library when they check out books or send their card with someone who has been authorized by them to check out library materials for their institution. The Library will not hold cards at the library for institutional card holders.
5. Books checked out on institutional cards can be kept for a four (4) week period. There shall be no renewal period.
6. All institutional cards expire one (1) year from date of issuance. Institutional administrators who wish to renew their institutional card or cards must annually send a signed and dated list of staff members authorized to use their institution's card or cards. This list should contain the institution's current address and phone number and be addressed to: Youth Services Librarian, Beatrice Public Library, 100 N. 16th. St., Beatrice NE 68310.

FINES

1. Fines for overdue materials are levied, in part, to cover the cost of sending notices to help recover library property.
2. Fines are calculated from the original due date.
3. Fines for overdue materials shall be established by resolution adopted by the City Council.
4. Notification may be made by email, telephone, texting, or by U.S. mail.
5. After the notice, the item(s) shall be given "Lost" status.
6. If library materials are not returned after three (3) notices, lost, or damaged the borrower must pay the current replacement cost of the item.
7. The library reserves the right to limit the borrowing privileges of patrons who (1) have not returned materials after receiving a third notice thereof, or (2) owe ten dollars (\$10.00) or more in fines, until the materials are returned or reimbursement is made to the satisfaction of the library.
8. All efforts shall be made to encourage patrons to return overdue materials, however it is more important to recover library materials than to collect fines.

9. Failure to return or replace overdue or lost library materials may result in civil action in the County Court.

GIFTS

1. Any person may make donation of money, lands, or other property ("gifts") for the benefit of the Beatrice Public Library. Title to property so donated may be made to and shall vest in the City of Beatrice, Nebraska.
2. Books and other materials for circulation shall be accepted under the condition that the Library Director has the authority to dispose of them he/she deems advisable.
3. Money, real property, and stocks may be accepted if the conditions under which the gift is made are acceptable to the City Administrator.
4. Personal property, art objects, portraits, antiques, and museum items shall be evaluated individually as to their suitability for inclusion as part of the Beatrice Public Library collection.
5. The Beatrice Public Library shall not appraise gifts.

CONDUCT RULES

Library staff are authorized to report violators of these Rules, the ordinances of the City of Beatrice or the laws of the State of Nebraska to the Library Director and the Beatrice Police Department.

No conduct which interferes with, or discourages the public's use of the library, will be permitted. Organizations, groups, and parents are responsible for the conduct of persons they bring into the library.

IMPROPER CONDUCT

Improper conduct may include, but is not limited to the following:

- Talking in a voice louder than a normal conversational level;
- Inappropriate use of cell phones;
- Failure to wear attire which conforms to the standard of the community for public places, including shoes and shirts;
- Unauthorized use of age-specific areas & services.
- Behaving in a manner which is either physically or verbally abusive to library staff or library patrons;
- Running;
- Repeatedly going in and out of the library, or excessive milling about;

- Public displays of affection;
- Swearing / cursing;
- Gathering in a way that impedes indoor and outdoor traffic areas;
- Sleeping, drunkenness, or consuming alcohol or illegal drugs in the library building or on the library premises;
- Use of tobacco, alcohol, controlled substances, or electronic smoking devices on library premises, indoors or outdoors, unless authorized by the City Council;
- Eating and drinking where prohibited;
- Removal or attempted removal of library materials or property without authorization or checkout;
- Marking, breaking or otherwise damaging any portion of the library building, paved areas, sidewalks, or other structures constituting library property, including landscaping and grass;
- Defacing, tearing, cutting or writing upon any book or other library item; or
- Any activity deemed inappropriate by library staff;
- Failure to return books or to pay fines;
- Failure to meet the conditions of loan established by another lending library;
- Destruction of or attempts to damage or destroy library property;
- Disturbance of other patrons; or
- Any other conduct on library premises that interferes with the provision of service to the public.

CONSEQUENCES OF IMPROPER CONDUCT

Any individual who behaves in an improper manner may be asked by the staff to leave the library premises without a warning. If the individual is a child, the parent or caregiver will also be asked to leave. The Beatrice Police Department will be contacted if the person does not obey such request to leave the premises. If any person continues improper conduct after being readmitted to the library building after a previous violation, such person may be excluded from the library building for periods of one or more days, weeks, or months, up to permanently, as may be deemed appropriate by the Library Director, or his or her designee.

1. The use of the library or its services may be denied for any of the reasons defined as Improper Conduct.
2. Improper Conduct will result in the forfeiture of access to library property (facilities and grounds) for up to ninety (90) calendar days. Initial notice will be made verbally by designated Library Staff followed with formal notification by certified letter. Non-compliance with this ban may result in the filing of trespassing charges.
3. Continued Improper Conduct may result in a ban from library property for a period longer than ninety (90) calendar days, as determined by the Library Director. Notification of such a ban will be made by certified letter or personal service.

PERSONNEL

Personnel

Employees of the Beatrice Public Library shall be governed by the rules set forth in the City of Beatrice Handbook for Non-Union Employees.

Staff Development

The Beatrice Public Library encourages the attendance of all staff members and board members at professional meetings, conferences, and conventions. When possible, time will be allowed with pay for staff members to attend. Requests to participate in, or be reimbursed for, such attendance shall be governed by the City of Beatrice Training Policy. Please refer to the Training Policy for the forms that must be submitted for any such requests.

MARKETING & ADVOCACY

The Beatrice Public Library strives to continually inform the public and community stakeholders about library services and their value. The Library Advisory Board and staff members work as a team to employ all available means of marketing and advocacy. Final responsibility for implementation of this policy rests with the Library Director, who may delegate this authority to staff members in their various areas of responsibility.

COLLECTION DEVELOPMENT

It is the responsibility of the Library Director, or his/her designee, to select and make readily available the materials that best meet the community needs while operating within the policies and procedures enumerated herein.

Purpose of the Collection

The purpose of the Beatrice Public Library materials collection is to provide resources to assist individuals in their pursuit of educational objectives, intellectual and emotional growth, the enjoyment of leisure time, and practical solutions to daily problems. However, the library will not furnish materials needed for formal courses offered by elementary and secondary schools or required for academic study. Special areas of the collection may be developed to complement and support formal courses of study.

The library keeps the collection vital and useful by retaining or replacing essential materials, and by removing, on a systematic and continuous basis, those works that are worn, outdated, of little historical significance, no longer in demand, or materials which are no longer useful in terms of the Library Objectives.

The Beatrice Public Library endeavors to build a collection representing varying points of view. The choice of library materials by users is an individual matter. Responsibility for the reading materials of children and adolescents' rests with their parents or legal guardians.

Materials Selection

Selection is the decision to add, retain or delete material as part of the library's resource collection. All materials, whether purchased by the library or donated to it, are evaluated in accordance with the following guidelines. Each item is evaluated on its significance as an entire work rather than upon the merit of individual parts. Selection decisions may be made upon one or a combination of any of these guidelines, as applicable to the item in question. The guidelines used by the Beatrice Public Library to evaluate materials to be selected for its collection include, but are not limited to:

1. The needs of the community.
2. The overall balance of the collection.
3. The spirit of service and the philosophy of the library.
4. The availability of material from other sources.
5. Budgetary limitations.
6. Suitability of the format of the item for library use.
7. Relation to existing collection and other material on the subject.
8. Reputation or significance of the author.
9. Reviews in professional literature or patron request.
10. Accuracy of the item.
11. Appearance in standard bibliographies and indexes
12. In-print availability.
13. Literary merit.
14. Locally produced or authored material.
15. Price.
16. Suitability of reading level, interest level and treatment of subject to the age of the intended audience.
17. Use of the material locally as assigned reading, viewing or listening.

Patron Requests

The library welcomes patron interest in the collection and will take into consideration all requests that specific materials be acquired. The library is under no obligation to fill any particular request. Patron requests will be reviewed using the materials selection criteria listed in this document.

Any patron requesting the reconsideration of a specific item shall make such request in writing, on a form furnished by the Beatrice Public Library. The Library Director will review the request and take appropriate action.

DISPLAY AND MATERIALS DISTRIBUTION

1. All posters, displays, exhibits, pamphlets, brochures, bulletins, booklets and other related materials shall only be placed in the library with the permission of the Library Director.
2. Whenever possible, displays and exhibits should incorporate or complement library materials. The Library gives priority to notices for programs and events that promote literacy, books and reading. Other types of events appropriate for display include concerts, cultural events, lectures, and workshops.
3. Notices may be posted by community organizations and clubs, educational institutions, government agencies, and nonprofit organizations. For-profit companies and individuals may also post notices that are consistent with with the priorities set forth above.
4. The library assumes no responsibility or liability related to the preservation or protection of display or distribution materials from possible damage or theft. All display items are placed in the library at the owner's risk.
5. Items that promote a political or religious group or attempt to solicit funds shall not be displayed or distributed in the library.

LIBRARY FACILITIES

1. The meeting rooms and small group conference rooms of the Beatrice Public Library may be used for cultural, educational or community betterment purposes.
2. The maximum capacity of the small group conference rooms shall be eight (8) people.
3. The kitchenette use is limited to the preparation of light refreshments and snacks.
4. The rental fees and deposits for a meeting room shall be set by resolution and adopted by the City Council for private or for-profit groups. Such deposits shall be refundable only if the room is returned to its posted arrangement on the chart in each meeting room. If equipment is borrowed from other meeting rooms or other library areas, it must be returned to the original location by a group representative in order to receive the deposit unless specific exceptions have been approved in writing by authorized library staff.
5. Deposits unclaimed after thirty (30) calendar days shall be considered a donation to the Beatrice Public Library.
6. Library-sponsored programs and literacy-related activities will have scheduling priority. The remaining time is open for other groups on a first-come first-serve basis.

7. All paperwork and deposits to rent a meeting room or the small conference room must be received at least forty-eight (48) hours before the room is to be used.
8. Meetings must be scheduled for specific dates and times. Booking should allow time for both preparation and cleanup of the room by the group using it. Arrangements for use of the meeting rooms should be made with the Library Director or designated staff. A formal application should be completed by the group requesting meeting room or small conference room use for each separate booking. A contact person must be designated by the group using any such rooms. Such contact person shall be responsible for handling booking, any violations or fees resulting from the use of such rooms, and the return of any deposits.
9. A minimum of one (1) business day notice is required to cancel room reservations. Less than one (1) business day notice shall result in forfeiture of the deposit.
10. Rooms may be decorated but the time required must be included in the time the room is booked by the group. The decorations must be removed and the room returned to its posted chart arrangement.
11. Plans of the preferred room arrangement will be posted so that all groups can return furnishings to these locations. In order to receive their deposit or to continue to have access to the room, all groups must leave all accessible areas in the arrangement shown on the charts posted in the rooms unless specific exceptions have been approved in advance in writing authorized by library staff.
12. The Library reserves the right to restrict the use of rooms to meetings that will not interfere with routine library operation. The Library further reserves the right to interrupt or cancel any meeting that interferes with routine library operation.
13. Admission fees, on-site selling, or other forms of fee collection are not allowed in connection with the use of the meeting room or small group conference rooms.
14. Any exceptions to these policies will be considered by the Library Director on a case-by-case basis.
15. Any use of improper conduct may result in the deposit not being returned and/or that individual or group not be allowed to rent the facility again.

MEETING ROOM EXEMPTIONS

Groups and organizations participating in any of the following events shall be exempt from all meeting room fees and deposits:

- Non-profit groups
Any City-sponsored event

SAFETY POLICY & EMERGENCY PROCEDURES

Emergency Codes

Red = Fire

Black = Tornado/Severe Weather

Adam = Missing Child

Orange = Bomb Threat

Emergency Communication Plan Summary: What to Do During an Emergency

- Remain calm and maintain an attitude of cooperation.
- Contact the Library Director immediately and explain the nature of the emergency.
- Direct all media inquiries and parent inquiries to the City Administrator.
- Assist as directed in confirming facts and locating witnesses.
- Do not volunteer information to patrons, strangers, or anyone not immediately involved, including other staff.

Evacuation Procedures

Evacuation Procedures will be posted at strategic locations. All Library staff shall familiarize themselves with the Evacuation Procedures.

Calling 911

- Dial 911.
- Identify yourself and the nature of emergency.
- LOCATION: Beatrice Public Library, 100 North 16th Street.
- If emergency is of a medical nature, give victim's condition, including but not limited to:
 - consciousness (awake, verbal responsive, pain responsive, unconscious);
 - breathing;
 - pulse;
 - bleeding;
 - possible spinal injury;
 - possible fractures; and
 - age, gender
- Send a staff member to flag down EMS.
- Give any other pertinent information.
- HANG UP LAST.
- If 911 is called, notify the Library Director of the status of the emergency.

Incidents Outside Facility/In the Parking Lot

If a person is injured, or if a fight occurs in the parking lot area or in the library, staff must immediately notify the Library Director, who can notify law enforcement at his/her discretion.

Injury/Illness Reporting & Procedure

Major Injuries or Illness (Heart attacks, no pulse, severe bleeding, drowning, fractures, etc.)

- Identify victim.
- Clear immediate area and isolate victim.
- If certified to do so, perform First Aid and/or CPR using Personal Protective Equipment – do not move unless required to prevent further injury.
- If 911 is called, notify the Library Director.
- Continue First Aid/CPR until relieved by EMS.
- Fill out Accident/Injury Report.
- Direct media inquiries to the City Administrator.

Minor Injuries or Illness (Slips or falls that do not appear serious, cuts, scrapes, bruises or illness)

- Identify victim.
- Begin First Aid/CPR using Personal Protective Equipment.
- Notify the Library Director
- When a child is injured or falls ill, inform a parent or guardian and have them decide whether to:
 1. Pick up the child from the library; or
 2. Send the child to the hospital via EMS.
- Fill out Accident/Injury Report.
- Direct media inquiries to the City Administrator.

NOTE: Documentation must be done when any care is given.

Staff Injury Reporting Procedure

- Notify Library Director within twenty-four (24) hours of injury.
- Take the Accident/Injury report to the Library Director and ask for a “Worker’s Compensation Report”.
- Go see your primary physician if you need medical treatment; and if that is not possible, go to the nearest Emergency Room.

Testing Emergency Procedures

The readiness and skill of Library staff may be tested on occasion at the discretion of the Library Director. This may occur during operating hours or during a special practice outside of operating hours.

Fire – Code Red

- Upon alarm activation, “Code Red” must be announced.
- All staff go to the Reception Desk.
- The Library Director will proceed as evacuation coordinator and will assign areas to other key staff. Staff assigned to these areas will clear and secure their assigned location. Staff and members of the public must follow the instructions of evacuation leader.
- Evacuate all areas to nearest exit.

- Contact the Library Director
- If a fire cannot be extinguished immediately with a fire extinguisher, call 911.
- If 911 is called, notify the Library Director and let them know you made the call.
- If someone refuses to clear the area as directed, seek help from other staff.
- If the fire alarm is determined to be a false alarm, staff and members of the public may reenter the park at the direction of the Library Director.
- If the Fire Department is required to put out the fire, the facility may not be reentered until cleared by Fire Department.
- If the Fire Department arrives, follow the directions of the Fire Department.
- Fill out Incident Report once the situation is over.

For minor fires, use the fire extinguishers to extinguish the fire. Notify the Library Director and complete an Incident Report.

Fire Extinguisher locations:

- Bathroom
- Pool Pump House
- Storage Room
- Concession Stand

Severe Weather; Tornadoes – Code Black

The Library Director has the primary responsibility for monitoring the weather, through the radio, televisions, or direct observation of the current conditions. Every effort shall be made to get the members of the public into shelter if a tornado warning is issued.

Lightning/Thunderstorms

Severe Weather/Tornadoes

- Listen to broadcast weather reports.
- Notify the Library Director if a severe weather warning or tornado warning is issued.
- When authorized by the Library Director, “Code Black” must be announced.
- When Code Black is announced as a result of inclement weather, members of the public must be moved inside, or sent home.
- Staff cannot force members of the public to stay in the facility; staff may only recommend it, except for children not accompanied by a parent or guardian.
- Escort remaining members of the public to shelter.
- Instruct everyone to sit next to an interior wall and cover their heads.
- Resume normal activity after Emergency Broadcast System indicates the threat has passed.

Power Failure

- In the event of power failure, the library must be closed.
- Establish communications with key staff.

- Locate flashlights.
- Notify the Library Director to determine the level of emergency and determine whether it is necessary to evacuate the building.
- Notify Reception Desk not to admit anyone until further notice, except for parents or guardians picking up children.
- Clear and secure all areas.
- If it is determined that power failure is not due to fire, the Library Director shall assign staff to guide members of the public to pick up their belongings.
- If necessary, call 911, then notify the Library Director that you made the call.

Missing Child – Code Adam

- If a child goes missing, determine child's identify and notify the Library Director.
- When authorized by the Library Director, "Code Adam" must be announced.
- The Library Director will designate a search coordinator, who will assign search areas.
- Form a detailed description of the child including, but not limited to:
 - Name;
 - Age;
 - Hair Color;
 - Weight; and
 - Clothing.
- If the child is not found within ten (10) minutes, call 911.
- If child is found with a suspected abductor, do not allow them to leave the facility.
- Library staff are NOT ALLOWED to use force to prevent a suspected abductor from leaving the facility.
- In the event a suspected abductor leaves the facility, immediately call 911.
- If 911 is called, notify the Library Director that you made the call.
- If the child is found, cancel the Code Adam.
- Fill out an incident report.
- Direct media inquiries to the City Administrator.

Bomb Threats – Code Orange

Library staff must treat all bomb threats as a real threat. Always report any suspicious packages, actions or conditions. If a person makes a bomb threat, staff shall:

- Remain calm.
- Listen to the person making the threat carefully, and if safe to do so, take notes.
- If the threat is over the phone, listen for background noise, accent, or other distinguishing details and record them.
- Notify the Library Director immediately.
- Call a Code "Orange".
- Clear the library, if appropriate.
- Call 911 and inform the Library Director that the call was made.
- Help escort members of the public to exits.
- Be observant of any unusual or suspicious packages or conditions.
- If someone refuses to clear the area as directed, seek help from other staff.

- Only reenter the building or facility when permitted or instructed by authorities.
- Fill out incident report.

Alleged or Suspected Child Abuse

Library staff are mandatory reporters of suspected child abuse. Suspicions of child abuse must be reported to the Library Director. If the Library Director cannot be reached, this should not deter anyone from reporting suspected child abuse.

Cases shall be dealt with professionally, confidentially, and immediately. All media inquiries shall be directed to the City Administrator.

The Beatrice Public Library prohibits inappropriate touching and verbal and physical abuse of any child. During, or immediately after the occurrence of any suspected child abuse, library staff must:

- Notify the Library Director.
- Complete an incident report.
- Report, or cause to be reported, the occurrence to Children's and Family Services, or the appropriate authorities.

Investigation by Authorities

If the authorities come to investigation a situation or child, the Library Director on duty must:

- Ask for identification.
- Follow their directions, answering all questions honestly.
- Complete an incident report.

Child Abuse Hotline: 1-800-652-1999

Violent Threats to Safety

Library staff must take any violent event or threat seriously. Staff must act quickly and professionally as follows:

Actual Violent Event (gun violence, major damage to facility, etc.)

- Notify the Library Director.
- Call 911, then inform the Library Director that you called.
- If safe to do so, clear other staff and members of the public from the area.
- When safe to do so, gather witnesses and try to identify the assailant and/or their vehicle.
- If addressing the assailant, speak in a low, slow, and calm voice.
- Fill out accident/incident reports.

Threats of Violence

- Notify the Library Director.

- Identify the person who made the threat.
- Remove the person who made the threat from the area and other members of the public. If they refuse, remove other members of the public from the area.
- If the threat is made by a minor, notify the child's parents or guardian.
- At least one staff member shall remain with the minor until the child leaves the facility.
- Determine whether contacting the police is necessary; and if necessary, dial 911 and inform the Library Director that you made the call.
- Fill out accident/incident reports, and include witnesses.
- If police are called, let the officer deal with the situation and any parents of minors involved.
- When necessary, inform the person who made the threat, or their parents/guardians that they will be suspended from the library until police complete their investigation, and the Library Director has had a conference with them, or the parents/guardians of the child. All agreed upon conditions established by the Library Director and police must be met before the person may return to the facility.
- Copy any reports made for police.

Robbery

- Remain calm.
- Note what the suspect looks like – take note of physical description and clothing.
- Do not antagonize the suspect.
- Remember the suspect's vehicle – note the description of the vehicle and direction of travel.
- DO NOT attempt to follow a suspect out of the facility or write down information in front of them.
- Once certain the suspect is gone, call 911 and notify the Library Director that you made the call.
- Notify the Library Director and let them further handle the situation.
- Complete an accident/incident report – include descriptions on a separate sheet of paper.
- Do not disturb the crime scene area by touching anything the suspect may have touched.
- Wait for the police to arrive and follow their instructions.
- Copy any reports made for police.

CONFIDENTIALITY OF LIBRARY RECORDS

1. All circulation records and patron records are confidential in nature and shall not be made available to any person or any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigatory power.

2. Upon receipt of such process, order, or subpoena, the Library Director will consult with the City Attorney to determine if such process, order, or subpoena is in proper legal form and if there is a showing of good cause for its issuance.

REQUESTS FOR INFORMATION

Any and all requests for information must be made in writing pursuant to the City's Public Records Request Policy, or via subpoena. Such requests must be submitted to the City Clerk at 400 Ella Street, Beatrice, Nebraska.

SEARCH WARRANT PROCEDURES

The USA Patriot Act allows for search warrants to be issued to libraries for anyone's library records.

Importantly, it is unlawful divulge to anyone, including the individual whose library records are being searched, that a search warrant has been issued.

The following is the procedure to follow when served with a search warrant.

1. Ask for the identity, agency and authority the warrant is being served under
 - a. Immediately give the warrant to the Library Director or contact the City Attorney. Only these two individuals may respond to the warrant. It is unlawful for anyone other than the authorized individuals to release the information requested under the warrant.
 - b. The Library Director is the only individual who may compile the information requested under the warrant. The warrant must be strictly construed and no information shall be voluntarily provided unless specifically requested.
 - c. If the Library Director and City Attorney are both temporarily unavailable let the law enforcement agent know that the Beatrice Public Library fully intends to cooperate but you do not have the authority to give access to confidential records or information.
 - d. The person in charge should ask for a copy of the search warrant if the Agent serving it does not provide one. The USAPA prohibits libraries from disclosing information about a search warrant issued under the authority of the Act. To ensure that the library does not violate this gag order, take the following steps after the agent leaves:
 - Put the report in an envelope, seal it, and send or give it to the Library Director and the City Attorney's office. Mark the envelope private and confidential in bold letters.
 - The person in charge will note on a separate sheet of paper who served the warrant and the date of the warrant and send it along with the sealed envelope.

- The warrant will be kept in the sealed envelope in the City Attorney's office.
- e. You cannot inform anyone other than the Library Director and the City Attorney of the existence of the search warrant. Do not discuss with anyone other than the authorized individuals the FBI visit, the warrant, or the name of the part on which the search warrant was served.

3D PRINTER

Makerspaces are innovative learning spaces that provide informal, hands-on learning opportunities for people of any age for developing creativity, collaboration, and digital literacy skills. In support of this, the Beatrice Public Library is pleased to offer a 3D printer for use of our patrons.

The 3D printer is available for the public to make three-dimensional objects in plastic using designs uploaded from a digital file.

1. The 3D printer may only be used for lawful purposes. Printing will not be permitted for designs that are:
 - a. Prohibited by local, state, or federal laws;
 - b. In violation of intellectual property rights. For example, the printer will not be used to reproduce materials subject to copyright, patent, or trademark regulations.
2. The Library reserves the right to refuse any 3D print request.
3. Cost: The amount charged for each gram of filament used shall be established by resolution and adopted by the City Council. Be aware that as costs of materials may change, the cost of printing may also change.
4. Designs may only be printed when designated staff is available in the event assistance is needed for the equipment, troubleshooting, etc.

Design creation

1. The design computer will have MakerBot Print, Blender, and TinkerCAD, computer assisted drawing software to create designs. Additionally, Thingiverse, an online 3D printing community with pre-made 3D designs will be available;
 - a. Other design software may be used to create 3D designs. However, that software will be the responsibility of the library card holder. The library cannot install additional software on library computers;
 - b. 3D designs created in personal software may be printed. Those designs must meet all requirements outlined and must be saved in a supported file format.
2. 3D print files must be saved in one of the following formats: .stl, .obj, or .thing.
 - a. 3D print jobs may not exceed the physical printing dimensions of the 3D printer: 9.9" L x 7.8" W x 5.9" H.
3. The library is not responsible for design flaws/errors in the final print.

Design printing

1. When a design is ready to be printed, the digital print file in .stl or .obj formats must be brought to authorized library staff or volunteers to submit for printing.
2. At this time, patrons will not be limited as to the number of jobs they may print. However, if patrons are waiting to use the 3D printer, a patron may only print one job before moving to the end of the queue to allow all library patrons equal opportunity to use the 3D printer.
3. The library staff member or volunteer will determine the correct price for the print. The determined amount must be paid in full before the print job will be queued for printing.
4. Determining actual print times will depend on a number of factors including place in print queue, size of print job, and availability of staff or volunteers to print the job.

COMPLAINTS

The Beatrice Public Library works to provide the best possible service to all library patrons. This policy deals with patron complaints and suggestions about how the Library operates on a day-to-day basis. Complaints can be received in person, by letter, telephone, fax, or e-mail. This feedback helps the Library improve its services, build patron support and creates staff training opportunities.

It is the responsibility of Library staff members to respond to patron complaints courteously and with good faith efforts to resolve them immediately or in a timely fashion. The speed of the response to a patron's complaint or concern is critical to its satisfactory resolution. Complaint will be handled as soon as practicable by the staff member receiving the complaint, or it will be referred to the appropriate staff member who can effectively address it. If the matter cannot be resolved immediately, the patron will be contacted within three (3) working days to answer their complaint or, at a minimum, to acknowledge that their complaint is being addressed and to explain what steps are being taken to arrive at a satisfactory resolution.

When a staff member receives a complaint which he or she is not able to properly address without assistance, the complaint will be referred to the appropriate person. In most cases this will be the Library Director.

The Library Director will have final authority to resolve complaints involving day-to-day operational and procedural issues.

HANDBOOK RECEIPT

I have received a copy or acknowledge that the Library's Handbook is available electronically and have either read it or had it read to me carefully. I understand all of its rules, polices, terms and conditions, and agree to abide by them realizing that failure to do so may result in disciplinary action and/or termination. I understand that the information contained in it represents management guidelines only, which may be modified from time to time. This Handbook is not a contract. I understand that neither the handbook nor any other representations made by a management representative or other City Official, at the time of hire or during employment, are to be interpreted as a contract between the City and any of its employees. I also understand that this handbook supersedes all previous written and unwritten policies, including any previous handbooks. I further understand that my employment is at will, that I am free to resign at any time, and that the City may terminate the employment relationship whenever it determines that it is in its best interest to do so, and may do so with or without notice or cause. I further understand that my employment relationship can only be changed by a written agreement signed by the City Administrator/BPW General Manager. I understand that these policies, procedures, and statements may be changed at any time, with or without notice.

Employee Signature Date

Employee Name (printed)

Witness Signature Date

Witness Name (printed)

RESOLUTION NUMBER 7289

WHEREAS, the Mayor and City Council for the City of Beatrice, Nebraska desire to adopt a Handbook for Non-Union Employees; and

WHEREAS, the Mayor and City Council desire to provide meaningful work opportunities, outline policies, denote specific benefits, and receive acknowledgement by employees of said opportunities, policies, benefits and other such related matters; and

WHEREAS, the Mayor and City Council desire to adopt the "City of Beatrice Handbook for Non-Union Employees".

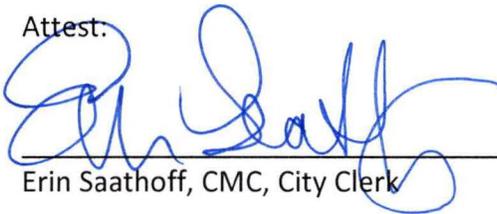
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

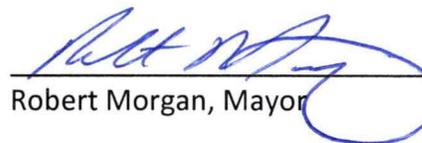
SECTION 1. That the "City of Beatrice Handbook for Non-Union Employees", marked as Exhibit "A", attached hereto and incorporated herein by this reference, be and hereby is adopted.

SECTION 2. That Resolution Number 6814, and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 6th day of May, 2024.

Attest.


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor



**STAKE
YOUR
CLAIM**

BEATRICE
CITY • BOARD OF PUBLIC WORKS

Handbook for Non-Union Employees

NOTICE

This Handbook for Non-Union Employees only applies to employees of the City of Beatrice or Beatrice Board of Public Works who are not subject to any of the various union negotiated employment contracts.

If you are an employee subject to collective bargaining rights and represented under one of the following union agreements:

**International Brotherhood of Electrical Workers Local No. 1536 A.F.L. C.I.O;
Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84,**

then please refer to the rules set forth in such union agreements and to the policies adopted and approved by the City Council for the City of Beatrice.

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CHAPTER ONE

Personnel Management

1.01 WELCOME

Welcome to the City of Beatrice (“City”)! We want to thank you for joining our team. We believe that each employee contributes directly to the growth and success of our organization. We hope that the employment relationship that we share is a long and mutually rewarding one. The purpose of this handbook is to acquaint you with policies set forth by the City. This Handbook for Non-Union Employees states the intent of the Mayor, City Council, and the Board of Directors of the Board of Public Works in providing for the employment conditions and benefits for employees. You should familiarize yourself with the contents of this Handbook for Non-Union Employees, as you are responsible for abiding by the rules that are outlined within.

For convenience, in this handbook, we will refer to your employer as the City of Beatrice, City, we, our, or us. If you have questions regarding the material presented here, please feel free to ask your Superintendent, Department Head, or contact the City Administrator/General Manager.

Again, best wishes for success in your new position with the City!

1.02 LEGAL EFFECT

The policies in this manual are subject to change. Any changes in this manual shall apply to existing as well as future employees. If and when provisions are formally changed, there will be notification and appropriate replacement documentation will be provided. No statement or promise made by a Superintendent, Department Head, or City Administrator/ General Manager may be interpreted as a change in policy, nor will it constitute an agreement with an employee.

The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. Your employment with the City does not create a contractual relationship.

The City Handbook for Non-Union Employees is not a contract, expressed or implied.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

The City affirms its commitment to providing a work environment that does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, mental or physical disability, marital status, or national origin. The City will operate in full compliance with applicable federal, state, and local laws prohibiting discrimination in employment. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. Employees are encouraged to bring equal employment opportunity concerns to the attention of their Superintendent, Department Head, the City Administrator/General Manager, or the City Attorney.

1.04 SCOPE

The City is made up of several different departments. Any employee not subject to collective bargaining rights and represented under the International Brotherhood of Electrical Workers Local No. 1536 A.F.L. – C.I.O; Firefighters Union Local No. 1098; or Fraternal Order of Police Lodge 84, are subject to this handbook.

The following are exempted from this handbook:

The Mayor, City Council, and the Board of Directors of the Board of Public Works, members of appointive boards, commissions, committees, and independent contractors.

Temporary employees, interns, and citizen volunteers are not eligible for benefits under this Handbook for Non-Union Employees; however, they shall follow the policies set forth as they represent the City. These rules and regulations apply to all employees of the City except where, Civil Service Rules, state statutes, federal laws, or other City policies supersede this handbook.

1.05 CHANGES IN NAME, ADDRESS, AND DEPENDENTS

Employees shall report to the City Clerk or his/her designee any change of name, change in marital status, or any change in dependents. Also to be reported are any changes in address, telephone number, or information which will affect the personnel record of the employee. This information is required for insurance and tax purposes. The obligation to update the above-mentioned information shall continue after the employment relation has ended for purposes of notice, benefits, and other information.

1.06 NEPOTISM

Public trust, safety, and City morale require that the City maintain a policy that ensures a sense of fairness to the general public, as well as internal employees when it comes to the relationships of its employees. Accordingly, all City employees must abide by the "Nepotism Policy" as adopted by the City Council.

1.07 DRESS CODE

Clothing on the job must be in good taste, clean, neat, and reflect the requirements of the working conditions. A neat, well-groomed appearance is important to assure professionalism and competence in the workplace. First and foremost, common sense and safety must apply. Employees who are required to work in the outside elements should dress appropriately for their own protection. However, the clothing should be clean and well maintained. If an employee wears a uniform, the uniform should be worn properly and kept well maintained. The uniform identifies them as a City employee and proper care of the uniform reflects favorably on them, and the City. Uniforms should never be worn after hours in public where alcohol is served.

OFFICE/CLERICAL/RECEPTION:

Examples of appropriate dress for male employees include:

- Suits, sport coats, dress or casual slacks, dress shirts, polos, ties, and sweaters.
- Footwear should be in good repair.
- Hair should be clean and well kept. Facial hair should be neatly trimmed.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.
- Hats shall not be worn by office/clerical/reception employees.

Examples of appropriate dress for female employees include:

- Dresses, skirts, casual or dress slacks, sweaters, blouses, polos, and jackets.
- Dresses, skirts, dressy or business Capri's and full skirts may not be more than two inches above the knee.
- Casual or dress shoes should be kept clean and well maintained.
- Footwear should be in good repair.
- Hair should be clean and well kept.
- Proper personal hygiene, such as bathing, brushing teeth, and using a deodorant or an antiperspirant, shall be followed.

Examples of Inappropriate Dress include:

- Jerseys, shorts, sweat suits, mini-skirts, halter styled tops or dresses, tube tops, exceptionally tight, low-cut, or revealing.
- Accessories and cosmetics should be worn conservatively.

Exceptions - Fieldwork

- Employees who are required to work out-of-doors during the winter months should wear appropriate footwear, including boots, and/or overshoes.

SUPERINTENDENTS/DEPARTMENT HEADS:

A number of Superintendents and Department Heads also work in the field and are exposed to the elements. Superintendents and Department Heads may abide by the same dress code requirements as applied to their department employees in the field. Superintendents and Department Heads should remember to dress appropriately for meetings, City Council/BPW Board Meetings, conferences, and other meetings outside the field.

Casual Day Wear:

The City Administrator/ General Manager may designate a day that employees can dress in casual attire.

Examples of Acceptable Casual Attire include:

- Jeans and capris (denim or other colored) that are clean, not tight or loose, not-faded, stained, torn, or ripped.
- Holiday/Seasonal sweatshirts/shirts or team wear sweatshirts/shirts.

Department Heads, Superintendents, or City Administrator/General Manager are responsible for ensuring that staff meets the dress code as stipulated. Staff wearing inappropriate clothing will be required to leave work and change into appropriate attire without compensation.

1.08 CONFLICTS OF INTEREST

No employee shall engage in any activity or enterprise which conflicts with his/her duties as a City employee or with the duties, functions, and responsibilities of the department in which he/she is employed. The following activities shall be considered as conflicts of interest with City employment:

- (a) Any employment, activity, or enterprise which involves the use, for private gain, of the City's time, facilities, equipment, or supplies;
- (b) Any employment, activity, or enterprise which involves the receipt or acceptance by the employee of any money or other consideration from anyone other than the City for performance of an act which the employee would be required or expected to render in the regular course of City employment or as a part of his/her duties as a City employee;
- (c) Any employment, activity, or enterprise which involves the performance of an act in other than his/her capacity as a City employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the department by which he/she is employed; or
- (d) Any employment, activity, or enterprise which involves so much of the employee's time that it impairs attendance or efficiency in the performance of duties as a City employee.

1.09 CONTRACTS FOR GOODS OR SERVICES BETWEEN EMPLOYEES AND THE CITY

Pursuant to Nebraska Revised Statute §49-14,102, no City employee, a member of that individual's immediate family, or business with which the individual is associated, shall enter into a contract valued at two thousand dollars (\$2,000.00) or more, in any one (1) year, with the City unless the contract is awarded through an open and public process.

Any such employee who represents the City or the other contracting party subject to the statutory restriction stated above should report such a conflict to the City Administrator/ General Manager prior to any award of contract, execution of services, or delivery of goods.

Immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

1.10 OUTSIDE EMPLOYMENT

Employees may hold other employment outside of their City employment with prior approval from his/her Department Head, Superintendent, or the City Administrator/General Manager, as long as it does not interfere with the duties of the City job, their normal working hours, the

employee's efficiency is not hampered, and does not conflict with the interests of the City. Approval by the Department Head, Superintendent, or the City Administrator/General Manager shall be based on the nature of the outside employment, hours involved and any other appropriate information. This shall be done prior to acceptance of the outside employment. In any situation wherein extra duty will be necessary in an employee's normal City work, such extra duty shall be in a preference to his/her outside employment. No duties of the outside employment shall be carried on while the employee is on duty as a City employee.

1.11 ACCEPTANCE OF GIFTS AND FAVORS

No employee of the City shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the employee be influenced thereby.

1.12 DISCLOSURE OF CONFIDENTIAL INFORMATION

No employee of the City, without the approval of his/her Department Head, Superintendent, or the City Administrator/General Manager, shall disclose confidential information concerning the property, governance, or affairs of the City, nor under any circumstances, use such information to advance the financial or other private interest of himself/herself or others.

1.13 CONDUCT

Employees of the City shall:

- (a) Treat his/her Department Head, Superintendent, or the City Administrator/General Manager with appropriate respect for the positions they hold, and carry out all orders to the best of their ability without delay or argument;
- (b) Treat the public appropriately and conduct themselves in a professional manner so as to be a credit to the City, both on and off duty;
- (c) Be just and honorable in all their relations with each other. They shall not make false reports or gossip concerning, or to the discredit or injury of, another City employee, concerning City matters; nor shall they act in a manner directed toward creating a disturbance or dissension within City departments;
- (d) Not consume alcoholic beverages while on duty, or have in his/her possession any illegal drugs; or
- (e) Not engage in any form of illegal gambling on City property.

CHAPTER TWO
Employee Status, Evaluations, and Personnel Records

2.01 EMPLOYMENT CATEGORIES

Each employee is employed in a classification that is considered either "exempt" or "non-exempt". Non-exempt employees are entitled to overtime pay under the Fair Labor Standards Act for hours worked over forty (40) in the same workweek. Exempt employees are not entitled to such overtime pay. In addition to these distinctions, each employee will also fall into one of the following employment categories:

TEMPORARY/SEASONAL employees are those who are hired as interim replacements or seasonal help to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits, such as worker's compensation and social security, they are not eligible for any other benefit programs offered by the City.

REGULAR PART-TIME employees are those that work less than forty (40) hours per week and are not seasonal/temporary or in their introductory period. Employees that work thirty (30) hours per week or more are eligible for health insurance benefits. Employees that work less than thirty (30) hours per week will not be eligible to take part in the City's health plan.

REGULAR FULL-TIME employees are those who are not in a temporary, probationary, or part-time status and who are regularly scheduled to work a full-time schedule with the City. These employees are eligible for the City's benefits program.

VARIABLE employees shall be considered as variable hour employees if, based on the facts and circumstances at the employee's start date, the City cannot determine whether the employee is reasonably expected to be employed on average at least thirty (30) hours of service per week during the initial measurement period because the employee's hours are variable or otherwise uncertain. Factors to consider in determining whether it can be determined that the employee is reasonably expected to be (or reasonably expected not to be) employed on average at least thirty (30) hours of service per week during the initial measurement period include, but are not limited to, whether the employee is replacing an employee who was a full-time employee or a variable hour employee, the extent to which the hours of service of employees in the same or comparable positions have actually varied above and below an average of thirty (30) hours of service per week during recent measurement periods, and whether the job was advertised, or otherwise communicated to the new employee or otherwise documented (for example, through a contract or job description) as requiring hours of service that would average at least thirty (30) hours of service per week, less than thirty (30) hours of service per week, or may vary above and below an average of thirty (30) hours of service per week. These factors are only relevant for a particular new employee if the employer has no reason to anticipate that the facts and circumstances related to that new employee will be different. In all cases, no single factor is determinative. For purposes of determining whether an employee is a variable hour employee, the applicable large

employer member may not take into account the likelihood that the employee may terminate employment with the applicable large employer (including any member of the applicable large employer) before the end of the initial measurement period.

2.02 PERFORMANCE EVALUATION

On at least an annual basis, employees shall receive a performance evaluation in writing conducted by his/her Department Head, Superintendent, or the City Administrator/General Manager. Performance evaluations are intended to hold employees accountable, provide feedback, and give direction in an effort to help them improve in their ability to perform their job duties.

2.03 PERSONNEL RECORDS

All employees may review their personnel record during normal business hours at City Hall by appointment. Record reviews must be accomplished under the supervision of the City Administrator/General Manager or his/her designee. No information may be added to or removed from the file without authorization from the City Administrator/General Manager. In the event such employee disagrees with anything inside their personnel record, employee may submit a rebuttal in writing to be placed in his/her personnel record.

CHAPTER THREE

Salaries, Pay Days, Pay Computation, and Deductions

3.01 SALARIES

All employees shall have their wages and/or salaries set by ordinance approved by the City Council annually.

All employees shall be paid on a bi-weekly basis, thereby constituting twenty-six (26) pay periods each year.

All employees may be eligible for performance-based salary increases. Performance based salary increases are recommended by an employee's Superintendent, Department Head, or the City Administrator/General Manager and approved by the Mayor. The Mayor and City Administrator/General Manager may alter an employee's wages during the course of the year for such increases as, including but not limited to, completion of probation, job reclassification, performance evaluations, certifications, or trainings.

3.02 PAY COMPUTATION

Persons employed on an hourly rate of pay shall be paid for the number of hours worked at the rate of pay assigned. Bi-weekly gross pay of an employee employed on an annual salary shall be computed by dividing the annual salary by twenty-six (26) pay periods. Net pay shall be computed by subtracting applicable deductions from the gross pay.

3.03 AUTHORIZED DEDUCTIONS

The following deductions shall be made from the employee's pay as required by law or because the employee authorizes such a deduction:

- (a) Federal Withholding Tax;
- (b) Social Security (FICA);
- (c) State Withholding Tax;
- (d) Pension Contributions;
- (e) Long Term Disability Insurance;
- (f) Flex Spending Accounts;
- (g) Wage garnishments; and
- (h) Dental, Vision, and Medical Insurance Premiums.

Contributions to charitable and civic organizations may be accomplished at the request of the employee.

3.04 DIRECT DEPOSIT

It is mandatory for all employees to have your net pay deposited directly to an account at the participating financial institution of your choice. Employees may deposit funds in separate accounts by dollar amount or by percentage.

3.05 EMPLOYEE INDEBTEDNESS

The final paycheck due any employee who shall be indebted to the City and shall not be issued until the extent of such indebtedness to the City has been determined and resolved.

3.06 FLEXIBLE SPENDING ACCOUNTS (FSA)

Flexible Spending Accounts ("FSAs") let you pay for certain health ("Health FSA") and dependent care expenses ("Dependent Care FSA") with pre-tax dollars. Employees may contribute to one (1) or both of the City's FSA accounts with pretax dollars and then receive reimbursement for qualifying expenses for them and their family. Pretax dollars are not subject to state or federal income taxes, or FICA taxes. This benefit saves the employee money by reducing their taxable income and increasing the employee's spendable income.

Your opportunity to enroll is within the first thirty (30) calendar days of your employment with the City or during the annual enrollment and change period. You must re-enroll every year in health and/or dependent care flexible spending. Changes can only be made during the enrollment and change period or at the time of a qualified life event. Contact the City Clerk if you have further questions.

CHAPTER FOUR
Benefits

None of the benefit policies set forth in this Chapter shall apply to any part-time, temporary, seasonal, or variable employees.

4.01 GROUP HEALTH, DENTAL INSURANCE, AND LONG TERM DISABILITY

- (a) Group health insurance shall be offered to full-time employees and their dependents; and such group health insurance shall be equivalent to the group health insurance provided to such employees subject to a union contract.
- (b) Term life insurance shall be provided for full-time employees in the benefit amount of one (1) times the employee's annual salary. Such life insurance shall not be provided for dependents.
- (c) If an employee, except Fire Captains, retires at the age of 62, 63 or 64, the retired employee and his or her dependents are eligible to continue coverage under the group health insurance plan described in Section (a) above until the retired employee either reaches the age of 65, becomes eligible for benefits under Title XVIII of the Social Security Act, or dies, whichever occurs sooner. The retired employee shall pay the cost of the premium for such coverage at the rate paid by the City for coverage for each full-time employee and their dependents. Eligibility for coverage will cease if the retired employee fails to make timely payment of any premium paid under this section.

Any Fire Captain who retires between the ages of 55 and 64, who is not covered by Medicare, and who has worked full-time for the City for a continuous period of 15 years is eligible for continued coverage under the City's group health insurance plan, at the expense of the retired Fire Captain. The coverage will consist of coverage which, as of the time the coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees who are currently employed by the City.

Any employee seeking to extend health insurance benefits beyond retirement must provide written notification to the City within sixty (60) calendar days of the date of retirement. Such extended coverage will be terminated if the required monthly premiums for coverage as determined by the City are not remitted to the City on or before the first day of each month, when the employee dies, when the retired employee reaches the age of 65, or when the retired employee becomes eligible for Medicare, whichever event occurs sooner, unless otherwise required by Federal law; and coverage will not be reinstated.

- (e) Health insurance coverage for dependents of retired employees shall terminate at the same time as Health Insurance coverage for the retired employee terminates and the dependents will not be offered further COBRA coverage.

- (f) City agrees to make available to the employee and his or her family Group Dental and Vision Coverage, at the expense of the employee, at the group rate through payroll deductions. The administration costs of the plan will be paid by the City.

4.02 LONG-TERM DISABILITY INSURANCE

All full-time employees shall have long-term disability insurance. All employees shall pay the premium for said long-term disability insurance. The City shall withhold the insurance premium for the long-term disability insurance from each employee's paycheck.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long-term disability payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

4.03 RETIREMENT PLAN

All full-time employees not eligible to participate in either the Firefighters or Police Officers retirement plan shall be covered by a Defined Contribution retirement plan.

- (a) Employees covered by the Defined Contribution Retirement Plan

- (i) Employee contributions shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours; provided, however, the employee shall have the option to contribute a maximum as described by Federal Law of the above-described gross pay. The City's contribution shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours.

Employee contributions shall be withheld from the employee's check bi-weekly.

- (ii) Upon an employee beginning to participate in the retirement plan offered by the City, the employee's contributions shall be vested with the employee immediately and the employer's contributions to the plan shall be vested with the employee at a rate of twenty-five percent (25%) each year.

Employees must remain in the plan as long as they are employed by the City.

- (iii) The employee must be eighteen (18) years of age and have six (6) months of continuous service before he or she is eligible for participation in this plan. Participation is mandatory when the employee becomes eligible.
- (b) For Employees covered by the Police Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.
 - (c) For Employees covered by the Fire Retirement Plan, the employee and City shall be governed by the provisions of State law and amendments thereto for such retirement plan.

- (d) This plan is in addition to social security or any other plan the employee may have.
- (e) The Employees may contribute additional funds, up to the maximum allowed by federal law, into a 457 plan.

4.04 EDUCATION PLAN

The City shall follow the "City Education Policy" as adopted and amended from time to time by the City Council. Please refer any questions regarding the "City Education Policy" to the City Clerk or the City Administrator/General Manager.

4.05 REIMBURSEMENT FOR REQUIRED EMPLOYMENT LICENSING/TRAINING

Any employee who is required by the City to obtain and maintain a Commercial Driver’s License (“CDL”), professional license, certification, or other required training of any type as required in the performance of the employee’s duties shall be reimbursed for such costs. In the case of a CDL required for the operation of certain City-owned vehicles, such employees shall be reimbursed for the difference between the license fee cost for such CDL paid by such employee and the license fee amount charged by the State of Nebraska for a Class O operator’s license.

4.06 HOLIDAYS AND PERSONAL LEAVE

- (a) The following holidays are observed by the City employees:

New Year’s Day	Labor Day
President’s Day	Veterans Day
Memorial Day	Thanksgiving Day
Independence Day	Day After Thanksgiving
Two days Personal leave	Christmas Day

Employees, except Fire Captains, shall receive regular pay for each of the holidays listed above on which they perform no work. Whenever any of the holidays listed above fall on a Saturday, the preceding Friday shall be observed as the holiday, and whenever any of the holidays listed above fall on a Sunday the succeeding Monday shall be observed as the holiday.

Fire Captains shall receive an additional eight (8) hours pay at one and one half (1.5) times the employee’s regular rate of pay for each of the holidays listed above.

- (b) Eligibility requirements. Employees shall be eligible for pay for any holiday falling within a pay period for which they receive compensation unless the employee is no longer employed for any reason prior to the holiday.
- (c) Holiday work. If an employee, except Fire Captains, works on any of the holidays listed above, he/she shall be granted an additional one and one-half (1.5) times his/her regular rate of pay, except for salaried employees. Salaried employees shall receive their base pay only.

If a Fire Captain works on any of the holidays listed above, he/she shall be paid at their regular rate.

(d) Personal leave.

(i) Each employee, except Fire Captains, shall receive sixteen (16) hours of personal leave each year upon request for said leave from the employee's Superintendent, Department Head, or the City Administrator/General Manager. The time for scheduling said personal leave will be within the discretion of the Superintendent, Department Head, or the City Administrator/General Manager, but will, so far as possible, be granted at the time desired by the employee.

Fire Captains shall receive twenty-four (24) hours of personal leave each year upon request for said leave from the Fire Chief. The scheduling of said personal leave will be within the discretion of the Fire Chief, but will, so far as possible, be granted at the time desired by the employee.

(ii) Personal leave shall be administered on a calendar year basis (January 1st to December 31st). Any employee starting after July 1st shall only receive half (1/2) of the personal leave they would normally receive for a year. Any unused personal leave shall not be carried over between calendar years and any unused personal leave shall be lost.

4.07 VACATIONS

(a) Eligibility and allowances. All employees, except Fire Captains, shall earn vacation commencing at his/her original date of employment at the rate of:

One (1) through Five (5) years	80 hrs. per year
Six (6) through Ten (10) years	120 hrs. per year
Eleven (11) years and thereafter	160 hrs. per year

An employee may carry up to two hundred forty (240) hours of vacation time. Employees shall not exceed two hundred forty (240) hours of accrued vacation time on December 31st of any year. If an employee exceeds two hundred forty (240) hours of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess of two hundred forty (240) hours at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

Fire Captains shall earn vacation commencing at his/her original date of employment at the rate of:

One (1) through Five (5) years	144 hrs. per year
Six (6) through Ten (10) years	192 hrs. per year
Eleven (11) years and thereafter	264 hrs. per year

Fire Captains may carry over the amount of vacation earned in the preceding year. Fire Captains shall not exceed the amount of accrued vacation time earned that year on December 31st of any year. If an employee exceeds said amount of accrued vacation time on December 31st of any year, then the City shall buy back the unused accrued vacation time in excess said amount at the employee's current rate of pay. An employee may sell their vacation time back to the City at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year.

- (c) An employee shall accrue a prorated portion of their vacation hours per pay period and such employee shall be entitled to take such accumulated vacation subject to provisions herein.
- (d) Vacation time shall be approved by the employee's Department head, Superintendent, or the City Administrator/General Manager. Vacations will, so far as possible, be granted at a time desired by the employee, but the final right to allotment is reserved by the City to ensure continuity of services.
- (e) Vacation pay. The rate of vacation pay shall be the employee's regular straight time rate of pay in effect on the date immediately preceding the employee's vacation period.
- (f) Upon separation from the City for any reason, an employee shall have an amount of pay equivalent to his/her vacation hours earned but not taken, added to his/her final pay.

4.08 SICK LEAVE

- (a) Allowance. Employees, except Fire Captains, incurring any sickness or disability which renders such employee unable to perform the duties of his/her employment, shall receive sick leave with pay.
 - (i) Eligibility. Employees shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the City Employees shall earn sick leave at the rate of eight (8) hours for each month worked.
 - (ii) Accumulation. Employees shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand forty (1,040) hours.
 - (iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the employee forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Employees providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours when they are permanently separated from employment for any reason; provided, that employees shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours when they are permanently separated from employment as a result of retirement on or after reaching the age of fifty-five (55) or death. In event of death,

payment is to be made to the estate of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's separation.

Any employee with more than one thousand forty (1,040) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to fifty percent (50%) of the value of employees' accumulated unused sick leave in excess of one thousand forty (1,040) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of accumulated sick leave hours in excess of one thousand forty (1,040) hours times fifty percent (50%).

(b) Fire Captains incurring any sickness or disability, which renders such employee unable to perform the duties of his/ her employment, shall receive sick leave with pay.

(i) Eligibility. Fire Captains shall start to earn sick leave from their date of hire and shall be eligible to use sick leave after thirty (30) calendar days of service with the employer. Fire Captains shall earn sick leave at the rate of sixteen (16) hours per calendar month.

(ii) Accumulation. Fire Captains shall accumulate sick leave as long as they are in the service of the employer and may accrue up to one thousand four hundred sixty (1,460) hours.

(iii) Unused Sick Leave. Two (2) weeks written notice of voluntary resignation from employment is required to be transmitted to the City Administrator/General Manager in order to be eligible to receive a payout for unused sick leave. If appropriate notice is not received in accordance with this section, the Fire Captain forfeits his/her unused sick leave. Two (2) weeks written notice shall not be required of employees leaving employment involuntarily. Fire Captains providing appropriate notice as outlined above shall be compensated for one-half (1/2) of any accumulated unused sick leave hours, up to a maximum of five hundred forty (540) hours, when they are permanently separated from employment for any reason; provided, that Fire Captains shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours, up to a maximum of seven hundred eighty (780) hours when they are permanently separated from employment as a result of 1) retirement on or after reaching the age of 55, or 2) retirement on or after reaching the age of 50 and having 20 years of service with the City, or 3) death. In the event of death, payment is to be made to the estate of the Fire Captain. The amount of payment for all unused sick leave is to be calculated at the Fire Captain's rate of pay in effect on the pay day immediately preceding the Fire Captain's separation.

Any Fire Captain with more than one thousand four hundred sixty (1,460) hours of accumulated unused sick leave as of the first (1st) day of January of each year shall receive payment in amount equal to 25% of the value of the Fire Captain's accumulated unused sick leave in excess of one thousand four hundred sixty (1,460) hours. The value of a Fire Captain's accumulated unused sick leave shall be the Fire Captain's rate of compensation times the number of accumulated sick leave hours in excess of one thousand four hundred sixty (1,460) hours times 25%. No Fire Captain shall receive payment for more than forty-eight (48) hours of unused sick leave in a year.

- (c) An employee may be required by the Department Head, Superintendent, or City Administrator/General Manager to submit a medical certification for any absence for which sick leave is taken. Failure to fulfill this requirement may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay, or during a period if such leave is of one (1) month or more.
- (d) Release to return to work from a medical doctor is required after three (3) work days consecutive absence. Release may be required by the employee's Department Head, Superintendent, or the City Administrator/General Manager for any individual employee if an abuse of sick time is alleged.
- (e) The sick leave benefit is authorized only for illness, injury, or necessary appointments with doctors or dentists. If at all possible, the employee should notify his/her Department Head, Superintendent, or the City Administrator/ General Manager before work time of their inability to come to work for any of the above reasons.
- (f) Family Sickness and Disability. Due to sickness or disability in the employee's immediate family, defined as the employee's spouse, sons, daughters, mother, father, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house, an employee may use up to ten (10) days of accumulated sick leave per year. If an employee misses three (3) consecutive work days due to the sickness or disability in the employee's immediate family, then the Department Head or City Administrator/General Manager may require a note from the employee's immediate family member's attending physician stating the illness or disability and expected duration.
- (g) Abuse of the sick leave benefit will not be tolerated and will be considered a reason for dismissal.

4.09 LEAVES OF ABSENCE WITH AND WITHOUT PAY

- (a) In the event of a death in the family, an employee, except Fire Captain, may be granted time off with pay at the discretion of his/her Department Head, Superintendent, or City Administrator/General Manager in accordance with the following schedule of maximum allowable times:

Employee's spouse or child	40 hours
Employee's mother or father	24 hours
Employee's mother-in-law or father-in-law	24 hours
Employee's brother or sister	16 hours
Employee's brother-in-law or sister-in-law	16 hours
Employee's grandparent	16 hours
Employee's grandchild	24 hours
Employee's daughter-in-law or son-in-law	16 hours

In the case of other relatives or friends, an employee may be granted up to four (4) hours to attend a funeral in the City and up to eight (8) hours to attend a funeral outside the City. If the above is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum may be granted in cases in which the employee is a pallbearer.

- (b) In the event of a death in the family, a Fire Captain may be granted time off with pay at the discretion of the Fire Chief in accordance with the Firefighters Union Contract.

In the case of other relatives or friends, a Fire Captain may be granted time to attend the funeral up to a maximum of twelve (12) hours. If the above schedule is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum (24 hrs.) may be granted in cases in which a Fire Captain is a pallbearer.

- (c) Military Service. All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corp Reserve, Air Force Reserve, Coast Guard Reserve, shall be entitled to special leave in each calendar year. Employees who are normally scheduled to work more than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred sixty-eight (168) hours of military leave and employees who are normally scheduled to work less than one hundred fifty-nine (159) hours in a three (3) week period shall be entitled to one hundred twenty (120) hours of military leave.

An employee on such leave shall be entitled to full salary for such hours or any portion thereof. Such employees are entitled to additional military leave according to state law. During such leave of absence, the City shall not pay the health insurance premiums of the employee and the employee shall not be entitled to any of the benefits set forth in this Chapter.

- (d) Jury service. When an employee is called for jury service, he/she shall advise his/her Department Head, Superintendent, or City Administrator/General Manager upon receipt of such call, and, if taken from his/her work for such service, shall be paid by the City the difference between the jury service pay and his/her regular hourly rate, not to exceed eight (8) hours for each regular work day while serving. This also covers employees called and who report but do not actually serve. Salaried employees will be paid their normal salaries during jury duty less any jury service pay received by the salaried employee.

- (e) When an employee is subpoenaed as a witness, the employee shall immediately advise his/her Department Head, Superintendent, or City Administrator/General Manager of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall be granted sufficient leave of absence to enable him/her to make timely appearance in obedience to such subpoena and to return to his/her work after his/her release from further attendance in court. If the employee is a witness as a result of his/her employment with the City, such employee shall be paid by the City the difference between the witness fee and mileage paid at his/her regular rate for each hour in attendance in court, not to exceed eight (8) hours for each day while in attendance. If the employee is a witness for a case unrelated to his/her employment with the City, the employee may elect to utilize vacation hours to make up the difference between the witness fee and his/her normal hourly pay.

Salaried employees will be paid their normal salaries during court attendance and travel time less any witness fee received by the salaried employee.

- (f) Each employee shall receive no pay from the City for jury service or for attendance as a witness for days or hours which such employee is not scheduled for work.
- (g) Employees may be granted administrative leave to attend official functions of professional organizations at the discretion of Department Head, Superintendent, or the City Administrator/General Manager's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or work-week. Employees who are granted time off at the discretion of their Department Head, Superintendent, or the City Administrator/General Manager due to inclement weather as outlined in the "Inclement Weather Policy" or other emergency shall be included in this section.
- (h) All employees shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Employees, except Fire Captains, who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted injury leave not to exceed three (3) of the employee's normal working shifts for any particular job-related illness or injury and the employee shall not be required to use sick leave for such injury leave. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/General Manager may require the employee to report for work on light duty.
- (i) All Fire Captains shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries" and "Return to Work Policy for Non-Work Related Injuries", adopted by resolution of the City Council. Fire Captains who are injured or become ill as a result of the performance of their duties and are unable to perform their job duties shall be granted time off with pay for the first one hundred twenty (120) hours that he or she is absent from work and shall be required to use accumulated sick leave hours only for the portion of the time which is compensated by the City as described below during which he or she is absent from work in excess of one hundred twenty (120) hours for each such accident or other cause. The City shall deduct from the wages paid to the employee the amount the employee is entitled to receive pursuant to the Nebraska Workers' Compensation Act. The City may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head, Superintendent, or City Administrator/General Manager may require the employee to report for work on light duty.
- (j) If an employee is receiving workers compensation and they wish to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

- (k) Employees will be covered by any "Family Medical Leave Act Policy", adopted by resolution approved by the City Council.

- (l) Leave of Absence. Any employee who has maintained employment for a period of six (6) months may request in writing to the City Administrator/General Manager a leave of absence up to ninety (90) calendar days. Before any employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, compensatory time, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state the reason they are requesting a leave of absence in writing. While an employee is on leave of absence they shall not receive or accrue any compensation time, vacation time, sick time, personal leave, and the City shall not pay the employee, City shall not pay for the employee's health insurance, and the employee shall not receive any other benefits set forth in this Chapter.

An employee shall not be granted more than ninety (90) calendar days of a leave of absence during a rolling calendar year.

4.10 OVERTIME

- (a) All non-salaried employees, except Fire Captains, shall be paid overtime at the rate of one and one half (1.5) times their regular hourly rate for all hours worked in excess of their regularly scheduled shift time, provided this is in excess of a forty (40) hour work week. The hours during the work week for which the employee was paid for vacation taken, leaves of absence, and sick leave taken shall not be considered as hours actually worked by the employee.

For all employees, compensatory time rather than overtime compensation may be given for all hours actually worked in excess of forty (40) hours in work week established for the employee.

Whether compensatory time is given in lieu of overtime payment shall be at the discretion of the Department Head; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at a rate of one and one half (1.5) hours of compensatory time for each hour of overtime worked. No employee shall accrue more than one hundred twenty (120) hours of compensatory time in a year. No employee shall use more than one hundred twenty (120) hours of compensatory time in a year.

- (b) Fire Captains working "Kelly Days" will be paid for one hundred and six (106) hours of regular time and (6) hours of overtime for each pay period in which the Fire Captain works all scheduled shift hours, or uses any combination of vacation leave, holiday pay, personal leave, administrative leave, or comp time. Should the employee use sick leave, injury leave, funeral leave, military leave, or a leave of absence, such hours shall be reduced from the six (6) hour overtime calculation.

Examples:

1. Fire Captain works no additional overtime hours, takes 24 hours vacation, and uses 48 hours of sick leave. Fire Captain will be paid 112 regular hours of compensation and no overtime.
2. Fire Captain works 24 hours overtime, takes 24 hours vacation, and uses 3 hours of sick leave. Fire Captain will be paid 109 hours of regular time and 27 hours of overtime.
3. Fire Captain works 24 hours overtime, takes 8 hours of holiday pay, and 8 hours of personal leave. Fire Captain will be paid 106 hours of regular time and 30 hours of overtime.
4. Fire Captain works no overtime, and uses 8 hours of comp time. Fire Captain will be paid 106 hours of regular time and 6 hours of overtime.

The City shall maintain a list of hours worked by each Fire Captain. Upon the termination of "Kelly Days" or upon a Fire Captain's permanent separation from employment, the City shall verify the actual hours worked by the Fire Captain are equal to the hours the Fire Captain was paid. The City shall make adjustments for Fire Captains who were overcompensated or undercompensated after the date of termination of "Kelly Days" or upon the Fire Captain's permanent separation from employment.

CHAPTER FIVE **Operations**

5.01 SAFETY

It is the goal of the City to provide a safe and healthful workplace for all employees. The City's policy is aimed at minimizing exposure to health or safety risks of employees and visitors at the City facilities. In order to accomplish this, each employee is expected to obey safety rules and to exercise caution in all work activities. Superintendents and Department Heads shall train their personnel to work safely. Each employee shall know what to do in case of fire or other disaster as well as the location and use of first aid supplies. Safety precautions include the observance of traffic regulations when driving or operating City vehicles and equipment.

Employees must immediately report any unsafe condition to their Department Head, Superintendent, or City Administrator/General Manager. Employees that violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action up to and including termination of employment. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Department Head, Superintendent, or City Administrator/General Manager. Such reports are necessary to comply with laws and initiate worker's compensation benefits. Each employee will be given a copy of the "*City Safety Manual*". It is the intent of the City that this manual be read and reviewed for the safety of all employees.

5.02 CARE AND USE OF CITY PROPERTY AND EQUIPMENT

Property and equipment that is provided by the City to carry out the duties of day-to-day business is to be used in the way that it is intended. Any employee found to be responsible for damage, unauthorized use, or loss of property through negligence, carelessness, or abuse shall be subject to disciplinary action. No equipment, materials, or supplies shall be removed from their locations without the approval of the Department Head, Superintendent, or City Administrator/General Manager.

5.03 USE OF CITY OWNED VEHICLES

Department Heads, Superintendents, and other employees as designated by the City Administrator/General Manager may be allowed to use City owned vehicles as transportation to and from their home to their place of work in addition to use during normal duty hours. Such vehicles shall be used in accordance with the "Use of City-Owned or Leased Vehicles Policy" and shall not be used other than for official City business. These vehicles shall be kept clean and driven in a manner so as to conform with existing traffic regulations and to not bring discredit upon the City. Any employee who will have opportunity to drive a City owned vehicle must inform the City Administrator/General Manager of any change in their license status immediately.

5.04 USE OF SEAT BELTS

When traveling in a City owned vehicle or traveling in a personal vehicle while on City business, each employee shall wear safety belts and shoulder belts, if so equipped, to provide for the safety of the employee. Such requirement is established by law and the "City Safety Manual". Any employee found in violation of this policy shall be subject to disciplinary action.

5.05 REPORTING OF ACCIDENTS AND INJURIES

Employees shall report all on-the-job accidents and injuries to their Department Head, Superintendent, and the City Administrator/General Manager as soon as possible after the accident. Injuries of a minor "first aid" nature may be treated at the job site or department office. If the injury requires medical attention, the employee may consult his/her family doctor, as desired. Ambulance services shall be used to transport employees to a hospital if the accident or injury results in incapacitation of the employee. Within twenty-four (24) hours of the incident, the affected employee or his/her Department Head or Superintendent shall file an accident-injury report with the City Administrator/General Manager or his/her designee for insurance purposes.

Employees who have an accident with a City owned vehicle shall:

1. Contact local law enforcement to conduct an accident or related report;
2. Contact their Department Head, Superintendent, or the City Administrator/General Manager;
3. Refrain from any comments regarding who is at fault. Refer such questions to our insurance carrier; and

4. If the City employee is injured due to the accident, a First Report of Alleged Occupational Injury or Illness report shall be completed and provided to the City Administrator/General Manager or his/her designee within twenty-four (24) hours. This shall be done regardless of how minor the accident may be.

An employee may be required by his/her Department Head, Superintendent, or the City Administrator/General Manager to submit to a drug/alcohol test as soon as he/she is able to leave the scene of the accident.

CHAPTER SIX

Employee Technology Usage Policy

6.01 GENERAL

Employees of the City shall comply with the "Employee Technology Usage Policy" as adopted by the City Council.

CHAPTER SEVEN

Conferences, Travel, and Expenses

7.01 CONFERENCES - CONVENTIONS, TRAINING, AND MEETINGS

The City encourages the development of job skills by allowing participation in available training programs whenever possible and economically feasible.

All City employees must abide by the "Training Policy" as adopted and amended from time to time by the City Council for any requests to participate in, or be reimbursed for, any training or continuing education conferences, seminars, or meetings. Please refer to the "Training Policy" for the forms that must be submitted for any such requests.

Please refer any questions regarding the "Training Policy" to the City Clerk or the City Administrator/General Manager.

7.02 TRAVEL AND OFFICIAL EXPENSE

The City will reimburse for expenses that are necessarily incurred in the development and operation of our business. To be reimbursable, the expenses should have prior approval, be reasonable, supported by receipts, and the expense form must be properly completed and submitted within seven (7) calendar days after returning.

All expenses reimbursed are assumed to qualify for tax purposes as legitimate business expenses. A description is required by the Internal Revenue Service on all charges that include expenses other than those of the employee. The description of the business purpose should be recorded on the "Travel Expense Authorization & Reimbursement Request" form, including, as appropriate, seminar name or reason for trip, city, date of departure, date of return, and the sponsoring affiliate. Please refer to the "Training Policy" for a more detailed guideline.

CHAPTER EIGHT
Drug-Free Workplace Policy

8.01 TOBACCO USAGE

Tobacco use is prohibited by all persons in accordance with the "Tobacco Use Policy" as adopted by the City Council.

8.02 DRUG-FREE WORKPLACE

The City is committed to providing a safe work environment and prohibits the distribution, manufacture, possession, sale, use, transfer, transport, or purchase of illegal drugs, or being under the influence of alcohol or drugs at the workplace, on City premises, or in City vehicles. Accordingly, all City employees must abide by the "Drug-Free Workplace Policy" as adopted by the City Council.

CHAPTER NINE
Sexual and Other Unlawful Harassment Policy

9.01 OVERVIEW

The City is committed to providing a safe and comfortable work environment that is free from all forms of discrimination. Accordingly, all City employees must abide by the "Sexual and Other Unlawful Harassment Policy" as adopted by the City Council.

CHAPTER TEN
Employee Discipline

10.01 CORRECTIVE AND DISCIPLINARY ACTIONS

- (a) The employment relationship between you and the City is at-will, meaning that the employment relationship may be terminated, at any time, by the City or you for any reason or for no reason, with or without notice. The following section sets forth general guidelines regarding unacceptable conduct in the workplace. However, your employment with the City does not create a contractual relationship, and the City may terminate your employment regardless of whether you have engaged in unacceptable conduct as set forth below.
- (b) Employees are expected to act in a mature and professional manner while performing services for the City. Below is a partial list of behaviors that an employee may be disciplined for. Depending on the severity of the infraction, an employee may be subject to discipline up to and including termination. The following is a list, not all-inclusive, providing examples of unacceptable conduct:

- (1) Failure to observe safety rules and regulations.
- (2) Failure to report to work at the appointed time or place, or for departing prior to the designated time, including abuse of rest periods.
- (3) Solicitation, or distribution or display of, unauthorized literature while on City time.
- (4) Operating a personal business while on City time.
- (5) Intimidation or coercion.
- (6) Abuse or waste of City equipment, tools, or material.
- (7) Using abusive language or making false or malicious statements concerning any employee, the City, or its services.
- (8) Horseplay, loafing, or sleeping on the job. Employees working twenty-four (24) hour shifts may sleep as permitted by the Department Head.
- (9) Unauthorized posting, removing, or altering of bulletin board notices.
- (10) Violation of City or BPW written or verbal policies or procedures.
- (11) Unauthorized use or release of confidential, sensitive, or privileged information.
- (12) Intentional unavailability for or refusal to work over-time or respond to emergency call out.
- (13) Abuse of medical leave or other paid leaves.
- (14) Conduct unbecoming for a City employee.
- (15) Insubordination.
- (16) Theft of public or private property, or property belonging to the City.
- (17) Misappropriation of property belonging to the City.
- (18) Unlawful harassment.
- (19) Consumption or possession of alcohol or non-prescribed drugs on City time or property.
- (20) Being under the influence of alcohol or non-prescribed drugs while in the workplace.
- (21) Gambling or fighting on City time or property.
- (22) Conviction of a felony.
- (23) Demeaning, disruptive, or uncooperative conduct in the workplace.
- (24) Intentional or negligent damage or destruction of private or public property.
- (25) Fraud, falsification, or deceit in the conduct of City business.
- (26) Incompetence or unsatisfactory performance.
- (27) Unauthorized possession or use of firearms or hazardous materials on City time or property.
- (28) Work disruption or stoppage, strike, or other forms of job action or withholding of services.
- (29) Acts or threats of physical violence directed towards City officials or employees, or any other third party during work hours, duties, or functions.

CHAPTER ELEVEN

General Policies

11.01 POLITICAL ACTIVITY

City employees may not interfere or use the influence of their office for political reasons. They shall not participate in any political activity during normal working hours or when otherwise engaged in the performance of official duties. No employee shall engage in any political activity while wearing a uniform required by the City. While on duty as a City employee, no employee

may solicit or receive political contributions for himself/herself or for the benefit of other candidates or issues in any election. An employee may not represent themselves as an employee of the City while being involved in an outside political activity. City employees may not be a candidate or be elected to the office of Mayor or City Council while employed. Employee shall resign from employment with the City before filing for election to the offices of Mayor or City Council.

11.02 WORKERS' COMPENSATION

The City will comply fully with the Workers' Compensation Program that has been established under State statute. All employees shall be covered by the City of Beatrice "Return to Work Policy for Work Related Injuries", adopted by resolution approved by the City Council. When accidents occur at work, they must be reported immediately to the Department Head or Superintendent and the appropriate paperwork filled out at that time and sent to the City Administrator/BPW General Manager or his/her designee. A Department Head must have prior knowledge and approve a doctor's visit. A doctor's report may be required to substantiate the injury. The City may provide light duty work when possible for a defined period of time for employees that are injured due to a work related situation. Leave taken in conjunction with worker's compensation injuries will be counted as part of the employee's FMLA entitlement.

11.03 EMPLOYEE'S FAMILY VISITATION POLICY

Employees are not permitted to watch their children or other children during work hours. Visitations by children must be approved by the employee's Department Head, Superintendent, or City Administrator/BPW General Manager. **The City of Beatrice is not responsible for any accidents or injuries that take place in or on any City property.**

11.04 DRIVING RECORD REVIEW POLICY

In order to minimize potential losses resulting from motor vehicle accidents involving a City-owned vehicle driven by a City employee, the City of Beatrice will review driving records in accordance with the "Driving Record Review Policy" as adopted by the Beatrice City Council.

11.05 SOCIAL MEDIA POLICY

Employees must remain cognizant of the fact that their social media posts may reflect upon the City. Accordingly, all employees shall abide by the guidelines set forth in the "Social Media Policy" as adopted by the City Council.

11.06 FAMILY AND MEDICAL LEAVE ACT OF 1993

The Family and Medical Leave Act of 1993 ("FMLA") provides certain employees with up to twelve (12) weeks of unpaid, job-protected leave per year. Please refer to the City's "FMLA Policy" for requirements and application.

CHAPTER TWELVE
Savings Clause

12.01 SAVINGS CLAUSE

If any provision of this policy handbook is declared, by proper legislative or judicial authority, to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this policy handbook shall remain in full force and effect for the duration of this policy handbook.

RESOLUTION NUMBER 6614

WHEREAS, Congress passed the Clean Water Act in 1972 which regulates water quality;

and

WHEREAS, since the adoption of the Clean Water Act, such regulations have become applicable to smaller units of government; and

WHEREAS, the City of Beatrice ("City") became an MS4 Community based on its population in 2003; and

WHEREAS, MS4 Communities must enact measures to detect and eliminate illicit discharges and control construction and post-construction site runoff of stormwater; and

WHEREAS, in 2008, the City adopted Chapter 27 to its City Code, regarding stormwater, which made illicit discharges illegal in the City and requires stormwater detention; and

WHEREAS, Chapter 27 of the Beatrice City Code also mandates that the City adopt requirements which identify best management practices for stormwater detention; and

WHEREAS, the City has become part of the Nebraska H2O group, which is a group of MS4 communities in Nebraska that work together to develop stormwater best management practices; and

WHEREAS, part of Nebraska H2O's efforts has been the development of a drainage criteria manual that is both similar in all eleven (11) Nebraska H2O communities, and also uniquely adapted to each (the "Drainage Criteria Manual"); and

WHEREAS, the City has determined that it is in the best interests of the community to adopt the Drainage Criteria Manual to establish guidelines, standards, and methods for effective planning and design of the stormwater drainage system in our community.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Drainage Criteria Manual, dated August 2020, marked as Exhibit "A", attached hereto and incorporated hereby by reference, be and is hereby adopted.

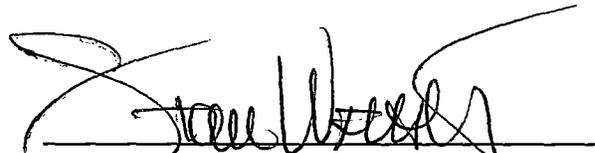
SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 8th day of September, 2020.

Attest:



Erin Saathoff, City Clerk



Stan Wirth, Mayor



DRAINAGE CRITERIA MANUAL

F O R T H E C O M M U N I T Y O F :



**STAKE
YOUR
CLAIM**

BEATRICE
CITY • BOARD OF PUBLIC WORKS

August | 2020

Version 1.0



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I. INTRODUCTION

I.1 Purpose

Providing adequate drainage in urban areas is a necessary component in maintaining the overall health, welfare, and economic well-being of a community. Haphazard growth in an urban setting can result in erratic development of the urban stormwater drainage system. Problems caused by erratic development can include flooding, soil erosion, and pollution, which may manifest themselves in loss of life, property damage, increased stress on municipal budgets, and loss of the natural beauty of a community. Urban drainage and flood control management is a complex issue primarily because it is related to the mobility of the public, water supply, sanitation, aquifer recharge, irrigation, and urban layout. The urban stormwater drainage and flood control system in and of itself is important, but it must also mesh with community growth plans and regional drainage plans.

It is the goal of the City to provide a consistent program of storm drainage and flood control, to protect human life and health, and to minimize property damage resulting from erosion, sedimentation, and flooding.

It is also a goal of the City to plan for urban drainage and flood control to help achieve an orderly, efficient, pleasant, and diverse urban area, which, in turn, will complement other efforts conducive to public health, safety, and welfare.

The purpose of this Drainage Criteria Manual is to provide technical drainage design criteria and guidance to aid in achieving these goals. This manual applies within the corporate limits of the City and its extraterritorial jurisdiction.

I.2 Contents

This manual includes nine technical chapters that provide guidance on the major aspects of urban stormwater management and drainage facility design. The manual is intended to be an effective and practical resource that provides users with accepted engineering approaches and policies.

It is assumed that the user has basic knowledge of hydraulics, hydrology, and stormwater management concepts. For additional design and engineering guidance not specified in this manual, refer to the current issue of the following publications:

City of Lincoln, Nebraska:

- Drainage Criteria Manual

City of Omaha, Nebraska:

- Omaha Regional Stormwater Design Criteria Manual

Federal Highway Administration (FHWA):

- Hydraulic Design Series 5: Hydraulic Design of Highway Culverts (HDS 5)
- Hydraulic Engineering Circular No. 9: Debris Control Structures Evaluation and Countermeasures (HEC 9)
- Hydraulic Engineering Circular No. 13: Hydraulic Design of Improved Inlets for Culverts (HEC 13)
- Hydraulic Engineering Circular No. 14: Hydraulic Design of Energy Dissipators for Culverts and Channels (HEC 14)

- Hydraulic Engineering Circular No. 15: Design of Roadside Channels with Flexible Linings (HEC 15)
- Hydraulic Engineering Circular No. 22: Urban Drainage Design Manual (HEC 22)

Natural Resources Conservation Service (NRCS):

- National Engineering Handbook, Part 630 Hydrology

Nebraska Department of Transportation (NDOT):

- Drainage Design and Erosion Control Manual

Mile High Flood District (formerly Urban Drainage and Flood Control District):

- Urban Storm Drainage Criteria Manual

1.3 Objectives

Drainage, flood control, and water quality protection in the City is an integral part of a comprehensive community plan. Drainage represents only one component of a larger urban system. The objectives of the drainage and flood control policies and guidelines outlined in this manual are to:

1. Employ a consistent Stormwater Management Plan for the City, to minimize adverse effects to the environment and to handle storm runoff safely and efficiently.
2. Employ Stormwater Design Criteria that ensures that design of the drainage system is consistent with good engineering practices and minimizes stormwater interference with vehicular traffic.
3. Reduce the exposure of people and property to flood hazards.
4. Systematically minimize the level of flood, sediment, and erosion damage to public and private property.
5. Comply with floodplain regulations as required by the Federal Emergency Management Agency (FEMA) and administered by the Nebraska Department of Natural Resources (NeDNR).
6. Encourage upstream drainage area and flood plain uses which are consistent with approved land use plans for those areas, and coordinate with plans for the total community.
7. Ensure that corrective works are consistent with the overall goals of the city and region and provide an efficient use of public funds.
8. Manage stream and drainage channel corridors to promote environmental diversity and to protect buildings and facilities from damage by channel erosion.
9. Stabilize channels in order to minimize the disruption of existing infrastructure such as bridges and utility lines.
10. Maintain existing natural drainage patterns.

1.4 Criteria Summary

1.4.1 Drainage Design and Technical Criteria

The design criteria presented in this manual are based on accepted engineering practice for drainage and stormwater management. Extensive input from the State of Nebraska Department of Transportation's Drainage Design and Erosion Control Manual, the City of Lincoln Drainage Criteria Manual, and the City of Omaha Regional Stormwater Design Criteria Manual was used in the development of this manual.

The criteria within this manual are intended to establish guidelines, standards, and methods for effective planning and design. Drainage policies, procedures, and guidelines outlined in the manual are subject to amendment by the City as conditions warrant. They are not intended to establish legal standards. Special situations may call for variations from these requirements, subject to approval from the City. The City may set aside these criteria in the interest of the health, safety, order, and general welfare of the

community. The proper documentation of drainage decisions is vital for project records and archival purposes.

1.4.2 Minor and Major Drainage Systems

An urban area has two separate and distinct drainage systems, whether or not they are actually planned for and designed. One is the minor system and the other is the major system. The minor system is typically designed to provide public convenience and to accommodate relatively moderate frequent flows. The major system carries more water and operates when the rate or volume of runoff exceeds the capacity of the minor system. To provide for orderly urban growth, reduce costs to taxpayers, and minimize loss of life and property damage, both systems must be planned and properly engineered.

1.4.2.1 Minor Drainage System

The minor drainage system is typically thought of as storm drains and related structures, such as inlets, curbs, and gutters. The minor system is normally designed for floods with return frequencies of 5 years to 10 years, depending on the surrounding land use.

The minor drainage system design will be based on the 5-year (20% annual exceedance probability) design storm for residential areas and the 10-year (10% annual exceedance probability) design storm for downtown and industrial/commercial areas. **During design of the storm sewer system, the hydraulic grade line for all enclosed systems shall be determined to ensure that inlets act as inlets, not outlets.**

The downstream existing conveyance system should be evaluated to ensure that it has sufficient capacity to accept design discharges without adverse backwater impacts on the proposed conveyance system, or downstream impacts such as flooding, streambank erosion, and sediment deposition. Starting tailwater conditions for the major and minor design storm flow should be determined.

1.4.2.2 Major Drainage System

The major drainage system is designed to convey runoff from and to regulate encroachments for large, infrequently occurring events. When development planning and design do not properly account for the major storm flow path, floodwaters will seek the path of least resistance, often through individual properties, thus causing damage. An assured route of passage for major storm floodwaters should always be provided such that public and private improvements are not damaged.

The 100-year return frequency storm (1% annual exceedance probability) shall be the major drainage system design storm for all new developments. Runoff from the 100-year storm event shall pass through a development without flooding buildings, homes, or residential lots. Overland flow routes can be provided using streets, swales, and open space.

Open channels for transportation of major storm runoff are desirable in urban areas and use of such channels is encouraged. Open channel planning and design objectives are best met by using natural, or natural-type channels, which characteristically have slow velocities, and a large width to depth ratio. Optimum benefits from open channels can best be obtained by incorporating parks and greenbelts with the channel layout.

To the extent practicable, open channels shall follow the natural channels and shall not be filled or straightened significantly. Effort must be made to reduce flood peaks and control erosion so that the natural channel features are maintained. Channel improvement or stabilization projects are encouraged to minimize use of visible concrete, riprap, or other hard stabilization materials to maintain the riparian characteristics.

1.4.3 Storm Runoff Computation

The calculation of the storm runoff peaks and volumes is important to the proper planning and design of drainage facilities. Peak runoff values shall be calculated by using either the rational method, NRCS unit hydrograph method, or rational or NRCS methodological software as appropriate.

1.4.4 Detention

Design storms equal to the 2-, 10- and 100-year frequency events shall be used in the design of detention and retention facilities. The NRCS Curve Number method shall be used to develop inflow and outflow hydrographs for the design of storage facilities. The Rational Method or Modified Rational Method shall not be used for design of storage facilities. If a detention or retention facility is used for both water quantity and water quality, it shall also take into account the water quality storm event.

In new or redevelopment areas, post-project peak flow rates shall not exceed existing peak flow rates for the 2-year, 10-year, and 100-year discharges at the project property line and in accordance with other chapters of this Drainage Criteria Manual.

Detention facilities shall be designed with adequate access and sediment storage right-of-way (including sediment forebays) to facilitate maintenance. Unless private maintenance of on-site detention facilities is acceptably performed, necessary maintenance by City forces may be provided. The cost of this service may be allocated to responsible parties.

The owner shall provide record drawings of the storage facility to the City.

1.4.5 Flood Corridor Management

The City participates in the National Flood Insurance Program (NFIP). By ordinance, the City will comply with floodplain regulations as required through the Federal Emergency Management Agency (FEMA) and administered by the Nebraska Department of Natural Resources (NeDNR). Mapped floodplains are present in and around the City.

Projects with construction occurring in a mapped floodplain will require certification that:

- Where construction occurs in Zone A Floodplains, it does not increase, cumulatively, the floodplain base flood elevation more than one foot (1'), and
- Where construction occurs in Floodways, there is no increase in the base flood elevation.

The base flood is defined as the flood having a one percent chance of being equaled or exceeded in magnitude in any given year (100-year event). The base flood elevation is the calculated water surface elevation produced by the base flood.

1.4.5.1 Preservation of Flood Corridor

New development shall preserve a minimum corridor in all channels that drain greater than 40 acres or have a defined bed and bank. The width of minimum flood corridors shall be equal to the greater of:

- The extent of the 100-year floodplain, or
- The channel bottom width, plus 60 feet, plus six times the channel depth

The corridor shall be centered on the channel or aligned such that the corridor follows the natural flow of flood waters. Individual areas of encroachment into the corridor may be permitted for parks, pedestrian/bike trails, recreational uses, and public purposes, provided the encroachments are minimal and the uses are generally consistent with the purpose of the corridor.

1.4.6 NPDES Construction Site Activities

A NPDES “notice of intent” and a Stormwater Pollution Prevention Plan (SWPPP) shall be required before land disturbance or vegetation removal activities occur on any site greater than or equal to one (1.0) acre in size. Approval of the permit will be provided when both the City and State approve the permit application. Structural and non-structural best management practices (BMPs) are required to address erosion and sediment control concerns. The SWPPP shall be prepared by a designated erosion control designer with erosion and sediment control training, experience, and knowledge.

Contractors and developers shall contact the City at least one business day prior to performing land disturbance or vegetation removal on any site greater than or equal to 1.0 acre. Construction sites will be inspected periodically for compliance with submitted SWPPPs.

1.4.7 Post Construction Stormwater Quality

Structural and nonstructural BMPs that address long-term stormwater quality enhancement are required for new or redevelopment projects that disturb more than one acre. Effective, reasonable, and cost-effective BMPs should be selected for implementation on a site-specific basis and in a manner that is consistent with existing basin plans. Water quality guidelines are outlined in Chapter 9 of this manual. The following is a list of structural BMP types that may be considered:

- Create temporary ponding areas on parking lots and in landscaped or turfed open areas of building sites.
- Reduce the amount of impervious area directly connected to the storm drain system.
- Intentionally create longer vegetated drainage paths for minor storm events.
- Develop multipurpose extended detention facilities.
- Use retention facilities (wet ponds) where feasible.

The following is a list of non-structural BMP types that may be considered:

- Use appropriate vegetation to reduce the need for fertilizer and pesticides.
- Preserve environmentally sensitive areas to protect them from development or other disruption.
- Set aside more open space.
- Preserve or re-establish riparian vegetation.
- Implement staged grading of developments to minimize the amount of land disturbed at one time.

1.4.8 Drainage Easements

All easements for storm drain pipe should be a minimum of 20 feet wide. In situations where the engineer can clearly demonstrate that an easement less than 20 feet is adequate, the City may consider such a request. Easements for surface water flow shall be used where a drainageway must be maintained to carry stormwater flow in excess of the storm drain pipe capacity. The easement cross-section shall accommodate the depth and width of flow from the 100-year storm. The width must also be designed to allow for access of maintenance equipment during the major storm.

Drainage easements should also be provided at all areas of ponding or backwater near inlets, culverts, and levees. Easements at these locations should be sized to cover the entire ponding or backwater area for the 100-year storm.

I.5 Submittals

The City requires submittals of drainage reports, hydrologic and hydraulic calculations, and drainage plans when a project changes the land use or drainage patterns of an area. Additional, specific submittal requirements for post-construction stormwater BMPs for development disturbing one acre or more are detailed in Chapter 9 of this manual. Submittal of drainage documentation and data must be coordinated with the City.

I.6 Software

Drainage design software accepted by the City may be used. The City should be consulted to determine if software is acceptable prior to its use. Any software used for design in the City must be capable of utilizing and meeting the design criteria found in this manual. Software available from the Federal Highway Administration such as HY-8 or Hydraulic Toolbox, the U.S. Army Corps of Engineers such as HEC-RAS or HEC-HMS, or state agencies such as the Nebraska Department of Transportation's Rational Method RMA Calculator are generally acceptable in their most recent versions, for example.

I.7 References

- City of Lincoln Public Works and Utilities Department, 2004. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2009. *Hydraulic Engineering Circular No. 22, Third Edition, Urban Drainage Design Manual*.
- Nebraska Department of Transportation, 2006. *Drainage and Erosion Control Manual*.
- Mile High Flood District (formerly Urban Drainage and Flood Control District), 2016. *Urban Storm Drainage Criteria Manual*.

2. HYDROLOGY

2.1 Overview

Hydrology is the study of the movement and distribution of water. Runoff is the drainage that leaves an area as surface flow or pipeline flow. Hydrologic analysis is necessary to estimate the peak runoff rate and volume of runoff that a drainage structure will be required to convey or control. Methods for computing peak rates of runoff and criteria for determining design storm frequencies are included in this section. Because these methods only estimate runoff, stream gage or other historical flood data should be used by designers (when available) to calibrate or correlate calculated estimates of runoff.

2.1.1 Hydrologic Method Selection

Several hydrologic methods have been developed for estimating peak runoff quantities. This section presents the two methods recommended for computing peak runoff; the rational method and the Natural Resources Conservation Service (NRCS) unit hydrograph method. It is recommended that each of the two methods be limited to use within a given drainage basin size, as detailed below. If a drainage basin greater than the recommended size for the NRCS unit hydrograph method is encountered, NDOT regression equations are recommended for computing peak runoff per the most recent version of the NDOT Drainage Design and Erosion Control Manual.

The rational method can only be used to estimate the peak runoff of a drainage basin. This is its only use; the rational method cannot be used to derive a runoff hydrograph or for the design of a storage facility.

Table 2-1. Recommended Hydrologic Methods

Method	Size Limitations ¹	Comments
Rational	0 to 200 Acres	Method can be used for estimating peak flow only. Method shall not be used for the design of storage facilities (See NRCS Method below for storage facility design).
NRCS ² Unit Hydrograph	200 Acres to 10 Square Miles	Method can be used for estimating peak flow and developing hydrographs. Method shall be used for the design of all storage facilities regardless of sub-basin size.
NDOT Regression Equations	Greater Than 10 Square Miles	Refer to the most recent version of the NDOT Drainage Design and Erosion Control Manual for all design criteria for regression equations.

¹ Size limitations refer to the sub-basin size to the point where the stormwater management facility (i.e., culvert, inlet) is located.

² The NRCS was previously called the Soil Conservation Service (SCS), and many of the methods detailed by the NRCS are still commonly referred to as SCS Methods. For the purposes of this manual, all methods will be referred to as NRCS methods.

2.1.2 Frequency Design Criteria

Since it generally is not economically feasible to design a structure for the maximum runoff a watershed is capable of producing, design frequency criteria must be established. The design frequency criteria for common stormwater management facilities is summarized in Table 2-2.

Table 2-2. Design Frequency Criteria

Stormwater Management Facility	Design Frequency
Pavement Drainage/Inlets/Storm Sewer	10 Year Commercial/Industrial, 5 Year Residential
Culverts/Pavement Cross Drainage (Major System)	50 Year
Culverts (Minor System ¹)	10 Year
Open Channels (Major System)	100 Year
Open Channels (Minor System ¹)	10 Year
Storage Facilities	2, 10 & 100 Year
Temporary Facilities ²	2 Year

¹ Culverts and open channels for the minor system run parallel to the roadway and are used to drain the roadway in lieu of a storm sewer system. No culvert that crosses a public roadway is considered to be part of the minor system.

² These facilities shall remain in place no longer than two years.

In some cases, particularly in municipalities located in extremely flat terrain, the 10-year commercial/industrial and 5-year residential design frequency for storm sewer may be impractical to obtain. In these cases, consideration may be given for design frequencies as low as 2-years. City approval must be obtained in these cases.

2.2 Rational Method

The rational method is the most commonly used method to estimate the peak runoff of a drainage basin. It can be used to estimate the peak runoff for areas as large as 200 acres.

2.2.1 Concept and Equation

The rational method estimates the peak rate of runoff at any location in a watershed as a function of the drainage area, runoff coefficient, and mean rainfall intensity for a duration equal to the time of concentration. The rational method is based on the following formula:

$$Q = CIA$$

Where:

Q = Discharge Occurring at the Time of Concentration, cfs

C = Runoff Coefficient

I = Average Rainfall Intensity for a Duration

Equal to the Time of Concentration, in/hr

A = Drainage Area, acres

2.2.2 Application

Peak runoff estimated using the rational formula is very sensitive to the parameters that are used. The designer must use good engineering judgment in assigning values to these parameters. Each parameter used in the rational method is discussed below.

2.2.2.1 Time of Concentration

The time of concentration (T_c) is the time required for water to flow from the hydraulically most remote point of the drainage area to the design point. The duration of rainfall is set equal to the T_c and is used to estimate the rainfall intensity. In some cases, for a basin with highly impervious areas, several different T_c's must be calculated to determine the governing design flow. No matter how small a

drainage area may be, the time of concentration shall not be shorter than five minutes. See Section 2.2.3 Common Errors and Limitations.

For a storm sewer system, the Tc consists of the inlet time plus the time of flow in a pipe or open channel to the design point. The velocity method from the NRCS is recommended for computing Tc.

The total Tc is:
$$T_c = T_i + T_p$$

Where: $T_c = \text{Time of Concentration}$
 $T_i = \text{Inlet Time}$
(Sheet Flow Plus Shallow Concentrated Flow Times, See Below)
 $T_p = \text{Time in Pipe or Channel}$

2.2.2.1.1 Inlet Time

Inlet time is the time required for runoff to flow over the surface to the nearest inlet and is primarily a function of the length of overland flow, the slope of the land and surface cover. Overland flow includes sheet flow and shallow concentrated flow and the total inlet time can be estimated by summing these two components.

Sheet flow time is based on the following formula:

$$T_{sf} = \frac{0.42(nl)^{0.8}}{(P_2)^{0.5}S^{0.4}}$$

Where: $T_{sf} = \text{Sheet Flow Time, minutes}$
 $n = \text{Manning's Roughness Coefficient}$
 $l = \text{Sheet Flow Length, feet}$
 $P_2 = 2 - \text{Year, 24 - Hour Rainfall, inches}$
 $S = \text{Slope of Land Surface, ft/ft}$

To avoid inaccurate estimations of sheet flow time, the sheet flow length should be limited according to the following formula, with a maximum sheet flow length of 300 feet. Maximum sheet flow lengths for common surfaces can be found in Table 2-3.

$$l = \frac{100\sqrt{S}}{n}$$

Where: $l = \text{Limiting Length of Flow, feet}$
 $n = \text{Manning's Roughness Coefficient}$
 $S = \text{Slope, ft/ft}$

Table 2-3. Maximum Sheet Flow Lengths

Surface Description	n Value	Slope, ft/ft	Length, ft
Smooth Surface (Concrete, Asphalt, Gravel, Bare Soil)	0.011	0.01	300
Range	0.13	0.01	77
Dense Grass	0.24	0.01	42
Woods (Dense)	0.80	0.01	12.5
Smooth Surface (Concrete, Asphalt, Gravel, Bare Soil)	0.011	0.05	300
Range	0.13	0.05	172
Dense Grass	0.24	0.05	55
Woods (Dense)	0.80	0.05	28

Table 2-4. Manning’s Roughness Coefficients for Sheet Flow

Surface Description	n Value
Smooth Surface (Concrete, Asphalt, Gravel, Bare Soil)	0.011
Fallow (No Residue)	0.05
Cultivated Soils:	
Residue Cover < 20%	0.06
Residue Cover > 20%	0.17
Grass:	
Short-Grass Prairie	0.15
Dense Grasses ¹	0.24
Bermudagrass	0.41
Range (Natural)	0.13
Woods ²	
Light Underbrush	0.40
Dense Underbrush	0.80

¹ Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass, and native grass mixtures.

² When selecting n, consider cover to a height of about 0.1 feet. This is the only part of the plant cover that will obstruct sheet flow.

After a maximum of 300 feet, sheet flow usually becomes shallow concentrated flow with a depth of 0.1 feet to 0.5 feet. The average velocity for shallow concentrated flow can be estimated from the following formulas and shallow concentrated flow time can be determined by dividing the flow length by the average velocity.

Table 2-5. Velocity Equations for Shallow Concentrated Flow

Surface Description	Velocity Equation ¹
Pavement and Small Upland Gullies	$V = 20.328(S)^{0.5}$
Grassed Waterways	$V = 16.135(S)^{0.5}$
Nearly Bare and Untilled Soil	$V = 9.965(S)^{0.5}$
Cultivated Straight Row Crops	$V = 8.762(S)^{0.5}$
Short Grass Pasture	$V = 6.962(S)^{0.5}$
Minimum Tillage Cultivation, Contour or Strip-Cropped and Woodlands	$V = 5.032(S)^{0.5}$
Forest with Heavy Ground Litter and Hay Meadows	$V = 2.516(S)^{0.5}$

¹ V = Average Velocity, ft/s S = Slope of Land Surface, ft/ft

2.2.2.1.2 Pipe and Open Channel Flow Time

The average velocity for pipe and open channel flow can be estimated from the hydraulic properties of the conduit or channel by using Manning’s equation. Pipe and open channel flow time can be determined by dividing the flow length by the average velocity. See Chapters Three and Four for additional discussion on flow in pipes and open channels.

2.2.2.2 Rainfall Intensity

The rainfall intensity is the average rainfall rate (inches per hour) **for a duration equal to the T_c** for a selected return period. The rainfall intensity shall be determined from Intensity-Duration-Frequency (IDF) curves shown on Figure 2-1 or the tabular data in Table 2-6. All rainfall intensity data provided was obtained from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Point Precipitation Frequency Estimates.

Figure 2-1. Intensity-Duration-Frequency Curves

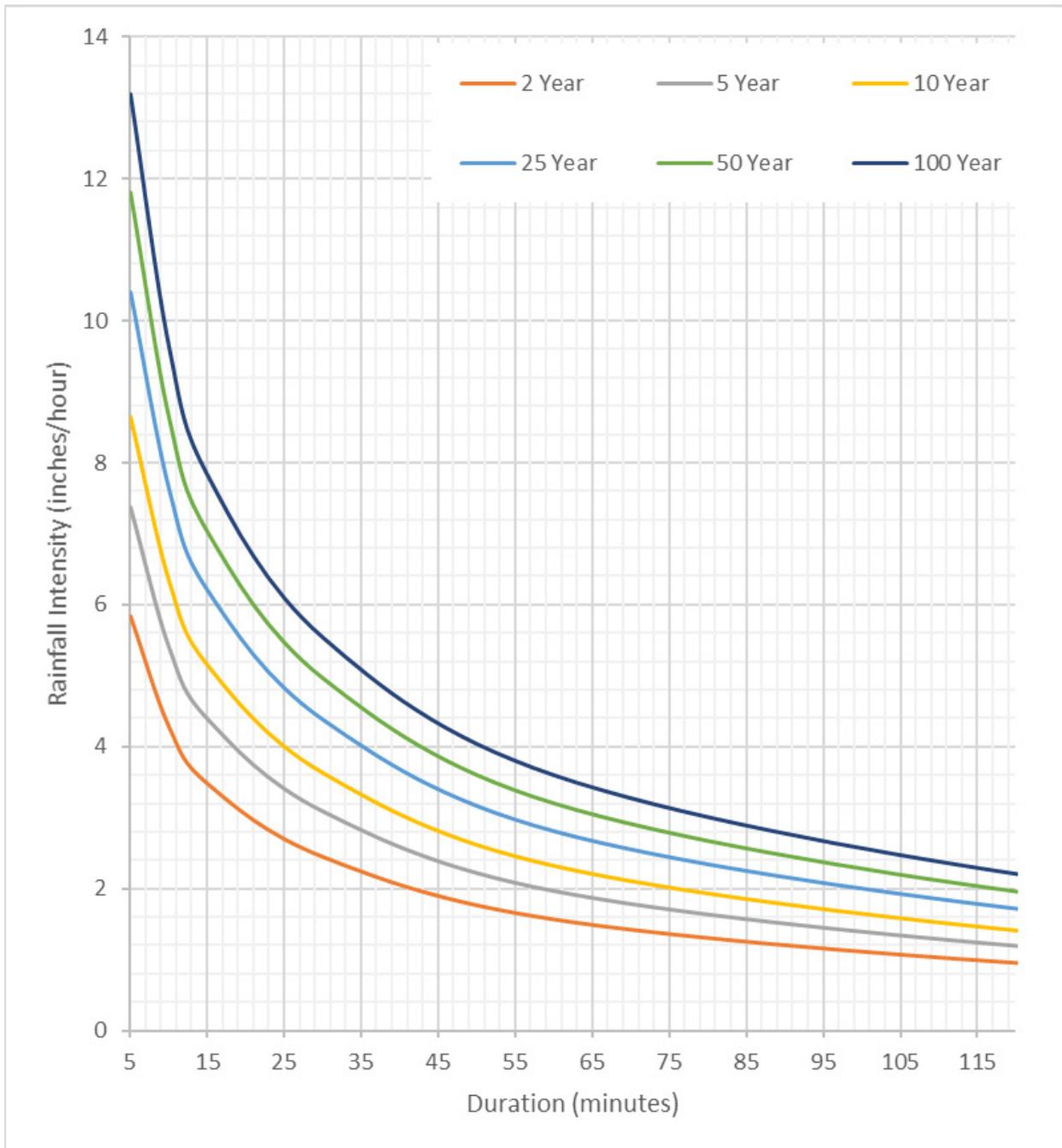


Table 2-6. Rainfall Intensity Tabular Data

Duration	2 Year	5 Year	10 Year	25 Year	50 Year	100 Year
5 Minutes	5.83	7.37	8.65	10.4	11.8	13.2
10 Minutes	4.27	5.4	6.34	7.63	8.63	9.64
15 Minutes	3.47	4.39	5.15	6.20	7.02	7.83
30 Minutes	2.44	3.09	3.63	4.38	4.96	5.54
60 Minutes	1.56	1.97	2.32	2.81	3.20	3.60
2 Hours	0.949	1.20	1.41	1.72	1.96	2.21
3 Hours	0.695	0.875	1.03	1.26	1.44	1.64
6 Hours	0.402	0.502	0.593	0.726	0.837	0.954
12 Hours	0.227	0.281	0.331	0.407	0.47	0.537
24 Hours	0.128	0.159	0.188	0.23	0.265	0.303

2.2.2.3 Runoff Coefficient

The runoff coefficient value in the rational formula is the fraction of rainfall intensity, expressed as a decimal, which contributes to the peak discharge, occurring at the time of concentration. It does not represent how much of the rain becomes runoff. Runoff coefficients vary based on land use, soil type, imperviousness, watershed slope and rainfall intensity/duration. Runoff coefficients should be selected from Table 2-7 or Table 2-8, depending on the land use. Where a drainage area consists of several land uses, a weighted runoff coefficient should be developed to represent the entire area.

Table 2-7. Runoff Coefficients for Developed Areas

Cover Description	Runoff Coefficients for Return Period					
	2	5	10	25	50	100
Asphalt	0.73	0.77	0.81	0.86	0.90	0.95
Concrete/Roof	0.75	0.80	0.83	0.88	0.92	0.97
Grass Areas (Lawns, Parks, etc.)						
Poor Condition (Grass Cover < 50%)						
Flat, 0-2%	0.32	0.34	0.37	0.40	0.44	0.47
Average, 2-7%	0.37	0.40	0.43	0.46	0.49	0.53
Steep, Over 7%	0.40	0.43	0.45	0.49	0.52	0.55
Fair Condition (Grass Cover 50% to 75%)						
Flat, 0-2%	0.25	0.28	0.30	0.34	0.37	0.41
Average, 2-7%	0.33	0.36	0.38	0.42	0.45	0.49
Steep, Over 7%	0.37	0.40	0.42	0.46	0.49	0.53
Good Condition (Grass Cover > 75%)						
Flat, 0-2%	0.21	0.23	0.25	0.29	0.32	0.36
Average, 2-7%	0.29	0.32	0.35	0.39	0.42	0.46
Steep, Over 7%	0.37	0.40	0.42	0.46	0.49	0.53

Cover Description	Runoff Coefficients for Return Period					
	2	5	10	25	50	100
Urban Districts:						
Commercial and Business (85% Impervious) ¹	0.68	0.73	0.76	0.81	0.85	0.89
Industrial (72% Impervious) ¹	0.62	0.67	0.70	0.74	0.78	0.83
Residential Districts by Average Lot Size:						
1/8 Acre or Less (Town Houses) (65% Impervious) ¹	0.59	0.63	0.66	0.71	0.75	0.79
1/4 Acre (38% Impervious) ¹	0.46	0.50	0.53	0.58	0.61	0.65
1/3 Acre (30% Impervious) ¹	0.43	0.46	0.49	0.54	0.57	0.61
1/2 Acre (25% Impervious) ¹	0.41	0.44	0.47	0.51	0.55	0.59
1 Acre (20% Impervious) ¹	0.38	0.42	0.45	0.49	0.52	0.56
2 Acres (12% Impervious) ¹	0.35	0.38	0.41	0.45	0.48	0.52

¹ The average percent impervious shown was used to develop the composite runoff coefficients. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas are considered equivalent to concrete/roof, and pervious areas are considered equivalent to grass areas in good condition with an average slope.

Table 2-8. Runoff Coefficients for Undeveloped Areas

Cover Description	Runoff Coefficients for Return Period					
	2	5	10	25	50	100
Cultivated Land						
Flat, 0–2%	0.31	0.34	0.36	0.40	0.43	0.47
Average, 2–7%	0.35	0.38	0.41	0.44	0.48	0.51
Steep, Over 7%	0.39	0.42	0.44	0.48	0.51	0.54
Pasture/Range						
Flat, 0–2%	0.25	0.28	0.30	0.34	0.37	0.41
Average, 2–7%	0.33	0.36	0.38	0.42	0.45	0.49
Steep, Over 7%	0.37	0.40	0.42	0.46	0.49	0.53
Forest/Woodlands						
Flat, 0–2%	0.22	0.25	0.28	0.31	0.35	0.39
Average, 2–7%	0.31	0.34	0.36	0.40	0.43	0.47
Steep, Over 7%	0.35	0.39	0.41	0.45	0.48	0.52

2.2.3 Common Errors and Limitations

- In some cases runoff from a portion of the drainage area which is highly impervious may result in a greater peak discharge than would occur if the entire area were considered. In these cases, adjustments can be made to the drainage area by disregarding those areas where flow time is too slow to add to the peak discharge. Sometimes it is necessary to estimate several times of concentration to determine the design flow that is critical for an application.
- When designing a drainage system, the overland flow path is not necessarily perpendicular to the contours shown on available mapping. Often the land will be graded and swales will intercept the natural contour and conduct the water to the streets, which may reduce the time of concentration.
- The rational method only provides estimates of peak runoff. It does not provide information on the volume or timing of runoff. Modern drainage practices often include detention of urban storm runoff to reduce the peak rate of runoff downstream. The rational method is not appropriate for use in design of stormwater detention or storage facilities.

2.3 NRCS Unit Hydrograph Method

The NRCS method uses data similar to the rational method to determine peak discharge, such as drainage area, a runoff factor, time of concentration, and rainfall. However, the technique is more sophisticated in that it also considers the time distribution of the rainfall, the initial rainfall losses to interception and depression storage (initial abstraction), and an infiltration rate that decreases during the course of a storm. It can be used to estimate the peak runoff and runoff volumes for areas from 200 acres up to 10 square miles. The following discussion outlines the basic concepts and equations used in the NRCS method.

2.3.1 Concepts and Equations

The following discussion outlines the basic concepts and equations utilized in the NRCS method. Additional details not included in this manual can be found in the NRCS National Engineering Handbook Hydrology Chapters (Part 630).

2.3.1.1 Rainfall-Runoff

A relationship between accumulated rainfall and accumulated runoff was derived by the NRCS from experimental plots for numerous soils and vegetative cover conditions. The following NRCS runoff equation is used to estimate direct runoff from 24-hour storm rainfall:

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

Where:

Q = Depth of Direct Runoff, inches
 P = Depth of Accumulated Rainfall
or Potential Maximum Runoff, inches
 I_a = Initial Abstraction, inches
 S = Maximum Potential Retention, inches

I_a is highly variable but generally is correlated with soil and cover parameters. Through studies of many small agricultural watersheds, I_a was found to be approximated by the following empirical equation:

$$I_a = 0.2S$$

By substituting 0.2S for I_a , the NRCS runoff equation becomes:

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

S is related to the soil and cover conditions of the watershed through the runoff factor (curve number, see Section 2.3.1.3) by the following equation:

$$S = \left(\frac{1000}{CN} \right) - 10$$

2.3.1.2 Rainfall

The NRCS method is based on a 24-hour storm event. Rainfall depths specific for this region to be used for the NRCS method should be selected from Table 2-7 and should be used with a Type II rainfall distribution. All rainfall depth data provided was obtained from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Point Precipitation Frequency Estimates.

Table 2-9. 24-Hour Accumulated Rainfall Total

Frequency	24-Hour Rainfall, inches
1 Year	2.65
2 Year	3.07
5 Year	3.83
10 Year	4.50
25 Year	5.52
50 Year	6.36
100 Year	7.26

2.3.1.3 Runoff Factor (Curve Number)

The principal physical watershed characteristics affecting the relationship between rainfall and runoff are land use, land treatment, soil types, and land slope. The NRCS method uses a combination of soil conditions and land uses (ground cover) to assign a runoff factor to an area. These runoff factors, called runoff curve numbers (CN), indicate the runoff potential of an area. The higher an area's CN, the higher that area's runoff potential will be. Soil properties influence the relationship between runoff and rainfall since soils have differing rates of infiltration. Based on infiltration rates, the NRCS has divided soils into four hydrologic soil groups (Groups A, B, C, and D), with Group A having the highest infiltration rate and Group D having the lowest infiltration rate. Hydrologic soil groups and other soil properties can be obtained online using the USDA/NRCS Web Soil Survey Tool.

Curve numbers should be selected from Table 2-10 or Table 2-11, depending on the land use. Where a drainage area consists of several land uses, a weighted curve number should be developed to represent the entire area. When land use is expected to change over time, the most conservative land use shall be selected.

Runoff curve numbers vary with antecedent moisture conditions (amount of soil moisture when rainfall occurs). Average antecedent soil moisture conditions (AMC II) are recommended for most hydrologic analysis. All curve numbers shown in this manual reflect an average antecedent soil moisture condition (AMC II).

Table 2-10. Curve Numbers for Developed Areas¹

Cover Description	Average % Impervious ²	CN for Hydrologic Soil Group			
		A	B	C	D
Fully Developed Urban Areas (Vegetation Established):					
Open Space (Lawns, Parks, Golf Courses, Cemeteries, etc.) ³ :					
Poor Condition (Grass Cover < 50%)		68	79	86	89
Fair Condition (Grass Cover 50% to 75%)		49	69	79	84
Good Condition (Grass Cover > 75%)		39	61	74	80
Urban Districts:					
Commercial and Business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential Districts by Average Lot Size:					
1/8 Acre or Less (Town Houses)	65	77	85	90	92
1/4 Acre	38	61	75	83	87
1/3 Acre	30	57	72	81	86
1/2 Acre	25	54	70	80	85
1 Acre	20	51	68	79	84
2 Acres	12	46	65	77	82
Impervious Areas:					
Paved Parking Lots, Roofs, Driveways, etc. (Excluding Right-of-Way)		98	98	98	98
Streets and Roads:					
Paved; Curbs and Storm Sewers (Excluding Right-of-Way)		98	98	98	98
Paved; Open Ditches (Including Right-of-Way)		83	89	92	93
Gravel (Including Right-of-Way)		76	85	89	91
Dirt (Including Right-of-Way)		72	82	87	89
Developing Urban Areas:					
Newly Graded Areas (Pervious Areas Only, No Vegetation)		77	86	91	94

¹ Average runoff condition, and $I_a = 0.2S$.

² The average percent impervious shown was used to develop the composite CNs. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition.

³ CNs shown are equivalent to those of pasture. Composite CNs may be computed for other combinations of open space type.

Table 2-11. Curve Numbers for Undeveloped Areas¹

Cover Description		Hydrologic Condition ³	CN for Hydrologic Soil Group			
Cover Type	Treatment ²		A	B	C	D
Fallow	Bare Soil		77	86	91	94
	Crop Residue Cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row Crops	Straight Row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured & Terraced (C&T)	Poor	66	74	80	82
		Good	62	71	78	81
	C&T + CR	Poor	65	73	79	81
		Good	61	70	77	80
Small Grain	SR	Poor	65	76	84	88
		Good	63	75	83	87
	SR + CR	Poor	64	75	83	86
		Good	60	72	80	84
	C	Poor	63	74	82	85
		Good	61	73	81	84
	C + CR	Poor	62	73	81	84
		Good	60	72	80	83
	C&T	Poor	61	72	79	82
		Good	59	70	78	81
	C&T + CR	Poor	60	71	78	81
		Good	58	69	77	80
Close-Seeded or Broadcast Legumes or Rotation Meadow	SR	Poor	66	77	85	89
		Good	58	72	81	85
	C	Poor	64	75	83	85
		Good	55	69	78	83
	C&T	Poor	63	73	80	83
		Good	51	67	76	80
Pasture, Grassland or Range – Continuous Forage for Grazing ⁴		Poor	68	79	86	89
		Fair	49	69	79	84
		Good	39	61	74	80

Cover Description		Hydrologic Condition ³	CN for Hydrologic Soil Group			
Cover Type	Treatment ²		A	B	C	D
Meadow – Continuous Grass, Protected from Grazing and Generally Mowed for Hay		Good	30	58	71	78
Brush-Forbs-Grass Mixture with Brush the Major Element ⁵		Poor	48	67	77	83
		Fair	35	56	70	77
		Good	30 ⁶	48	65	73
Woods-Grass Combination (Orchard or Tree Farm) ⁷		Poor	57	73	82	86
		Fair	43	65	76	82
		Good	32	58	72	79
Woods ⁸		Poor	45	66	77	83
		Fair	36	60	73	79
		Good	30	55	70	77
Farmstead – Buildings, Lanes, Driveways and Surround Lots			59	74	82	86
Roads (Including Right-of-Way)	Dirt		72	82	87	89
	Gravel		76	85	89	91

¹ Average runoff condition, and $I_a = 0.2S$.

² Crop residue cover applies only if residue is on at least 5 percent of the surface throughout the year.

³ Hydrologic condition is based on combinations of factors that affect infiltration and runoff, including (a) density and canopy of vegetative areas, (b) amount of year-round cover, (c) amount of grass or close-seeded legumes, (d) percent of residue cover on the land surface (good >20%), and (e) degree of surface toughness.

Poor: Factors impair infiltration and tend to increase runoff.

Good: Factors encourage average and better than average infiltration and tend to decrease runoff.

For conservation tillage poor hydrologic condition, 5 to 20 percent of the surface is covered with residue (less than 750 pounds per acre for row crops or 300 pounds per acre for small grain).

For conservation tillage good hydrologic condition, more than 20 percent of the surface is covered with residue (greater than 750 pounds per acre for row crops or 300 pounds per acre for small grain).

⁴ Poor: < 50% ground cover or heavily grazed with no mulch.

Fair: 50 to 75% ground cover and not heavily grazed.

Good: > 75% ground cover and lightly or only occasionally grazed.

⁵ Poor: < 50% ground cover.

Fair: 50 to 75% ground cover.

Good: > 75% ground cover.

⁶ If actual curve number is less than 30, use CN = 30 for runoff computation.

⁷ CNs shown were computed for areas with 50 percent woods and 50 percent grass (pasture) cover. Other combinations of conditions may be computed from the CNs for woods and pasture.

⁸ Poor: Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning.

Fair: Woods are grazed, but not burned, and some forest litter covers the soil.

Good: Woods are protected from grazing, and litter and brush adequately cover the soil.

2.3.1.4 Time of Concentration

The time of concentration (T_c) is the time required for water to flow from the hydraulically most remote point of the drainage area to the design point. In some cases, for a basin with highly impervious areas several different T_c 's must be calculated to determine the governing design flow. See Section 2.2.3 Common Errors and Limitations. For a storm drainage system, the T_c consists of the inlet time plus the time of flow in a pipe or open channel to the design point. The velocity method from the NRCS is recommended for computing T_c . See Section 2.2.2.1 for additional guidance on computing the T_c .

2.3.1.5 Lag Time

Lag time (L) can be considered as a weighted T_c and is related to the physical properties of a watershed, such as area, length, and slope. The NRCS derived the following empirical relationship between L and T_c .

$$L = 0.6T_c$$

Where:

$$L = \text{Lag Time}$$
$$T_c = \text{Time of Concentration}$$

In small urban areas (less than 2,000 acres), a curve number method can be used to estimate watershed lag time. In this method, the lag time for the runoff from an increment of excess rainfall can be considered as the time between the center of mass of the excess rainfall increment and the peak of its incremental outflow hydrograph. The equation developed by the NRCS to estimate lag time is:

$$L = \frac{(l^{0.8}(S + 1)^{0.7})}{(1900Y^{0.5})}$$

Where:

$$L = \text{Lag Time, hours}$$
$$l = \text{Length of Mainstream Flow Path from Farthest Drainage Divide to the Outlet}$$
$$S = 1000/CN - 10$$
$$CN = \text{NRCS Curve Number}$$
$$Y = \text{Average Slope of Watershed, Percent}$$

2.3.1.6 NRCS Peak Discharge Calculation

The following NRCS peak discharge equation can be used for estimating the peak runoff rate from a single watershed with homogeneous land use:

$$Q_p = q_u A Q F_p$$

Where:

$$Q_p = \text{Peak Discharge, cfs}$$
$$q_u = \text{Unit Peak Discharge, cfs/mi}^2 / \text{in}$$
$$A = \text{Drainage Area, mi}^2$$
$$Q = \text{Depth of Direct Runoff, inches}$$
$$F_p = \text{Pond and Swamp Adjustment Factor}$$

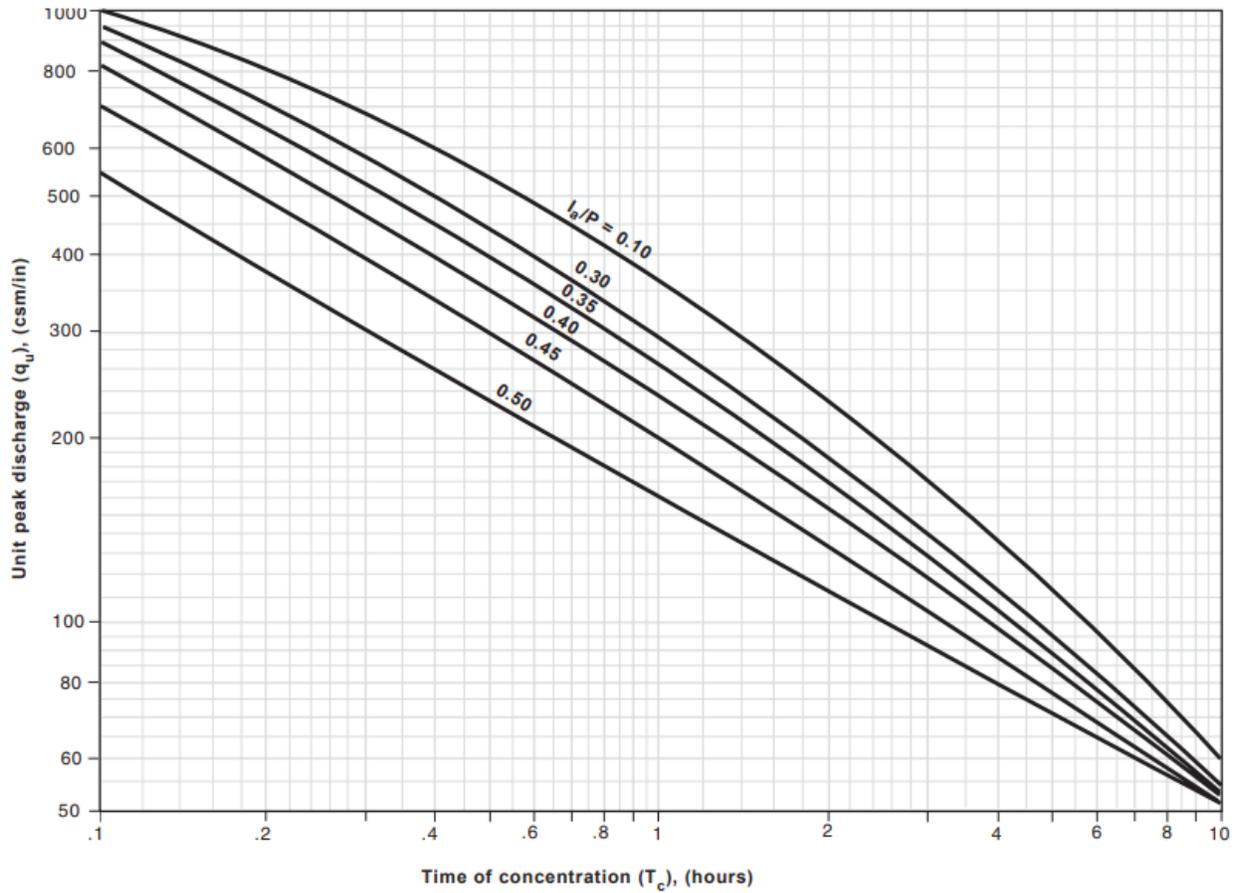
The input requirements are:

1. Time of concentration, T_c (hours)
2. Drainage area (mi^2)
3. 24-hr design rainfall
4. CN value
5. Pond and swamp adjustment factor (use 1.0, see below).

Computations for the peak discharge method proceed as follows:

1. The 24-hr rainfall depth, P , for the design storm is determined from Table 2-7.
2. The runoff curve number (CN) is estimated from Table 2-10 and Table 2-11, with weighted CNs calculated as needed.
3. Direct runoff, Q , is calculated by using the CN to solve for S and substituting into the direct runoff equation in Section 2.3.1.1.
4. CN and S are used to determine initial abstraction (I_a) from the equation given in Section 2.3.1.1.
5. Compute the ratio I_a/P for the return period of the design storm.
6. The drainage area's time of concentration (T_c) is computed using the procedures in Section 2.2.2.1.
7. The computed T_c and I_a/P is used to obtain the unit peak discharge, q_u , from Figure 2-2 below. If the ratio I_a/P lies outside the range shown, use the limiting values.
8. The pond and swamp adjustment factor, F_p , is assumed to be equal to 1.0 (no pond or swamp areas), in order to be conservative.
9. The peak discharge is computed using the equation at the beginning of this section.

Figure 2-2. Unit Peak Discharge, q_u



2.3.1.7 Hydrographs

The NRCS method can be used to estimate the entire hydrograph for a drainage area. From this hydrograph, discharge rates and volumes can be determined. The NRCS has developed a tabular hydrograph procedure that can be used to generate the hydrograph for small drainage areas. The tabular hydrograph procedure uses unit discharge hydrographs that have been generated for a series of times of concentrations. To use the tabular hydrograph procedure, designers should refer to the NRCS National Engineering Handbook Hydrology Chapters (Part 630).

2.4 References

- City of Brookings, South Dakota, 2006. *Storm Drainage Design and Technical Criteria Manual*.
- City of Lincoln Public Works and Utilities Department, 2000. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2009. *Hydraulic Engineering Circular No. 22, Third Edition, Urban Drainage Design Manual*.
- Nebraska Department of Transportation, 2006. *Drainage Design and Erosion Control Manual*.
- United States Department of Agriculture, Natural Resources Conservation Service, 1986. *Technical Release 55: Urban Hydrology for Small Watersheds*
- United States Department of Agriculture, Natural Resources Conservation Service, 1997. *National Engineering Handbook, Part 630 Hydrology*

3. PAVEMENT DRAINAGE AND STORM SEWER

3.1 Overview

In this chapter, guidelines are given for evaluating and designing storm drainage of the minor system. The minor drainage system is typically designed for more frequent storms with moderate flows and generally consists of storm drains and related appurtenances, such as inlets, curbs, and gutters.

Runoff from large areas draining toward a roadway should be intercepted prior to reaching the roadway whenever possible. This applies to drainage from residential neighborhoods, commercial or industrial property, long cut slopes, side streets, and other areas along the pavement. If extraneous drainage cannot be intercepted prior to reaching the roadway, it should be included in the pavement drainage design.

Additional design procedures for pavement drainage and storm sewer can be found in the most recent edition of the Hydraulic Engineering Circular No. 22: Urban Drainage Design Manual (HEC 22).

3.2 Pavement Drainage Criteria

3.2.1 Return Period

Since it generally is not economically feasible to design the minor system for the maximum runoff that a watershed is capable of producing, design storm frequency criteria must be established. The design storm frequency criteria for pavement drainage for the minor storm is 5 years for residential and 10 years for downtown, commercial, and industrial areas. Pavement drainage design storm frequency for the major storm is 100 years.

3.2.2 Spread and Cross Street Flow

Allowable maximum street encroachment by stormwater runoff is listed in Table 3-1 and Table 3-2. All freeways or expressways shall be designed per the NDOT Drainage Design and Erosion Control Manual.

Table 3-1. Allowable Maximum Street Encroachment

Street Classification	Minor Storm ¹	Major Storm ²
Local	No curb overtopping.	Runoff shall be contained within the right-of-way or drainage easements. The maximum allowable depth at the gutter is 18 inches.
Collector	No curb overtopping, spread may not cover crown.	Runoff shall be contained within the right-of-way or drainage easements. The maximum allowable depth at the gutter is 18 inches.
Arterial	No curb overtopping, spread shall leave at least one lane free of water in each direction.	Runoff shall be contained within the right-of-way or drainage easements. The maximum allowable depth at the crown is 6 inches. The maximum allowable depth at the gutter is 18 inches.

¹ Minor Storm: 5 year for residential and 10 year for downtown/industrial/commercial.

² Major Storm: 100 year.

Table 3-2. Allowable Maximum Cross-Street Flow

Street Classification	Minor Storm ¹	Major Storm ²
Local	6-inch depth at crown. Where cross-pans allowed, depth shall not exceed 6 inches.	Runoff shall be contained within the right-of-way or drainage easements. The maximum allowable depth at the gutter is 18 inches.
Collector	Where cross-pans allowed, depth shall not exceed 6 inches.	Runoff shall be contained within the right- of-way or drainage easements. The maximum allowable depth at the gutter is 18 inches.
Arterial	None	Runoff shall be contained within the right-of-way or drainage easements. The maximum allowable depth at the crown is 6 inches. The maximum allowable depth at the gutter is 18 inches.

¹ Minor Storm: 5 year for residential and 10 year for downtown/industrial/commercial.

² Major Storm: 100 year.

3.2.3 Longitudinal Grade

To provide for drainage, to avoid unacceptable stormwater spread into traffic lanes, and to avoid ponding in the gutter, curb and gutter grades shall not be less than 0.3 percent, except near sags in the roadway profile.

3.2.4 Cross Slope

Roadway cross slopes shall be determined by the City’s standard roadway sections.

3.2.5 Curb and Gutter

Curb and gutter dimensions shall be determined by the City’s standard details.

3.3 Gutter Flow Calculations

Gutter flow capacities should be calculated using the modified form of Manning’s equation shown below and using Manning’s n values from Table 3-3.

$$Q = (0.56/n) S_x^{5/3} S^{1/2} T^{8/3}$$

(Use when width of spread (T) is known.)

Or

$$Q = 0.56(z/n) S^{1/2} d^{8/3}$$

(Use when depth (d) is known.)

Where:

- Q = Gutter Flow Rate, cfs
- n = Manning’s Roughness Coefficient
- S_x = Pavement Cross Slope, ft/ft
- S = Longitudinal Slope, ft/ft
- T = Width of Flow or Spread, ft
- z = Reciprocal of Pavment Cross Slope, $1/S_x$
- d = Depth of Flow, ft

Table 3-3. Manning’s n Values for Street and Pavement Gutters

Type of Gutter or Pavement		Manning’s n
Concrete Gutter, Troweled Finish		0.012
Asphalt Pavement	Smooth Texture	0.013
	Rough Texture	0.016
Concrete Gutter with Asphalt Pavement	Smooth Texture	0.013
	Rough Texture	0.015
Concrete Pavement	Float Finish	0.014
	Broom Finish	0.016
For gutters with small slopes, where sediment may accumulate, increase above values of n by:		0.002

3.4 Stormwater Inlets

3.4.1 Overview

Stormwater inlets should be placed as necessary to limit the depth or spread of runoff in the roadway to allowable limits as previously described. Inlets should generally be placed at the following locations:

- At low points or sags in the gutter grade
- Upgrade of intersections, median breaks, and pedestrian crosswalks
- Upgrade of locations where cross slope reverses
- Upgrade of bridges
- Where gutter flow reaches allowable maximum spread widths

In sag locations on collector or arterial streets, flanking inlets should be placed upstream and to both sides of the inlet at the low point of the sag. Flanking inlets should be placed 0.2 vertical feet higher than the inlet at the low point or located according to HEC 22.

3.4.2 Grate Inlets

Grate inlets consist of an opening covered by one or more grates and may be used for parking lots, area drains, or similar scenarios. Grate inlets are generally not used on public streets.

3.4.2.1 Grate Inlets on a Continuous Grade

Generally, grate inlets placed on a continuous grade have lower efficiencies than curb inlets placed in a similar configuration; therefore, grate inlets are not recommended to be placed on a continuous grade along a public street. In situations where the installation of a grate inlet on a continuous grade is warranted, the interception efficiency and capacity can be calculated using the procedures found in HEC 22.

3.4.2.2 Grate Inlets in Sag Locations

A grate inlet in a sag location operates as a weir up to a certain depth, depending on the size of the grate, and as an orifice at greater depths. Grates of larger dimension will operate as weirs to greater depths than smaller grates. Some assumption must be made regarding the nature of clogging of a grate inlet in a sump condition to compute the capacity of a partially clogged grate. The clogging factor (C_f) is used to approximate the effects of clogging on a grate inlet.

The capacity of a grate inlet operating as a weir is:

$$Q_i = C_f C_w P d^{1.5}$$

Where:

Q_i = Flow Capacity of an Inlet, cfs

C_f = Clogging Factor, 0.5 is Recommended

C_w = Weir Coefficient Equal to 3.0

P = Perimeter of Grate Excluding the Side Against the Curb, ft

d = Average Depth of Water Above the Top of the Grate, ft

The capacity of a grate inlet operating as an orifice is:

$$Q_i = C_f C_o A_{cl} (2gd)^{0.5}$$

Where:

C_o = Orifice Coefficient Equal to 0.67

A_{cl} = Clear Opening Area of the Grate, sq ft

g = Gravitational Constant Equal to 32.2 ft/s²

3.4.3 Curb Inlets

Curb inlets consist of a vertical opening in the curb covered by a top slab and are typically used to drain public streets.

3.4.3.1 Curb Inlets on a Continuous Grade

The length of the curb inlet required for total interception of gutter flow on a pavement section with a uniform cross slope is expressed by:

$$L_T = KQ^{0.42} S^{0.3} [1/(nS_x)]^{0.6}$$

Where:

L_T = Curb Inlet Length Required to Intercept 100% of the Gutter Flow, ft

K = 0.6

Q = Gutter Flow, cu ft/sec

S = Longitudinal Slope, ft/ft

n = Manning's Roughness Coefficient

S_x = Pavement Cross Slope, ft/ft

The efficiency of curb inlets shorter than the length required for total interception is expressed by:

$$E = 1 - [1 - (L/L_T)]^{1.8}$$

Where:

E = Capture Efficiency of a Curb Inlet

L = Curb Inlet Length, ft

The length of inlet required for total interception by depressed curb inlets or curb openings in depressed gutter sections can be found by the use of an equivalent cross slope, S_e , in place of S_x . S_e is expressed by:

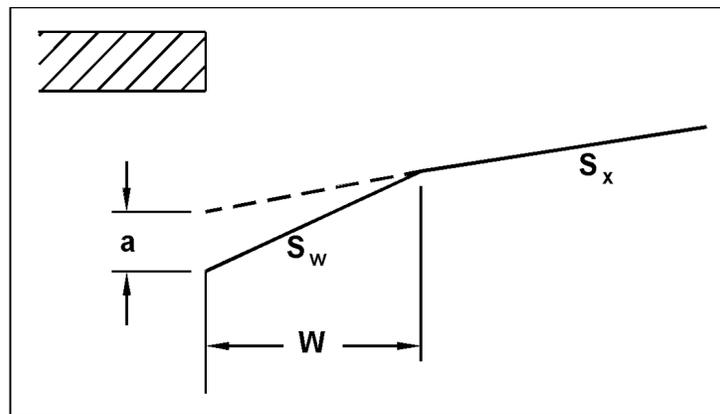
$$S_e = S_x + S'_w E_o$$

Where: $S_e = \text{Equivalent Cross Slope, ft/ft}$

$S'_w = \text{Cross Slope of the Gutter Measured from the Cross Slope of the Pavement, ft/ft}$

$E_o = \text{Ratio of Flow in the Depressed Section to the Total Gutter Flow Determined by the Gutter Configuration Upstream of the Inlet}$

Figure 3-1. Depressed Curb Inlet



The cross slope of the depressed gutter measured from the cross slope of the pavement is expressed by:

$$S'_w = a/W$$

Where: $a = \text{Gutter Depression, ft}$

$W = \text{Width of the Depressed Gutter, ft}$

The ratio of flow in the depressed section to the total gutter flow determined by the gutter configuration upstream of the inlet is expressed by:

$$E_o = Q_w/Q = 1 - (1 - W/T)^{2.67}$$

Where: $Q_w = \text{Flow in Width of Depressed Gutter, } W, \text{ cfs}$

$Q = \text{Total Gutter Flow, cfs}$

$T = \text{Spread of Total Gutter Flow, ft}$

3.4.3.2 Curb Inlets in Sag Locations

The capacity of a curb inlet in a sag depends on water depth at the curb, the curb opening length, and the height of the curb opening, including any depression. The inlet operates as a weir to depths equal to the curb opening height and as an orifice at depths greater than 1.4 times the opening height. At depths between 1.0 and 1.4 times the opening height, flow is in a transition stage.

The equation for interception capacity of a non-depressed curb inlet operating as a weir is shown below. The depth limitation for operation as a weir is the depth at the curb must be less than or equal to the height of the curb opening ($d \leq h$).

$$Q_i = C_w L d^{1.5}$$

Where:

Q_i = Interception Capacity of an Inlet, cfs

C_w = Weir Coefficient Equal to 3.0

L = Curb Inlet Length, ft

d = Depth at Curb Measured from the Normal Cross Slope, ft
($d = TS_x$)

At curb inlet lengths greater than 12 feet, the equation for non-depressed inlet (above) produces intercepted flows that exceed the values for the equation for depressed inlets (below). Since depressed inlets will perform at least as well as non-depressed inlets of the same length, the equation for non-depressed curb inlets (above) should be used for all curb inlets having lengths greater than 12 feet.

The equation for the interception capacity of a depressed curb inlet operating as a weir is shown below. The depth limitation for operation as a weir is the depth at the curb must be less than or equal to the height of the curb opening plus the depth of the depression ($d \leq h + a$).

$$Q_i = C_w (L + 1.8W) d^{1.5}$$

Where:

C_w = Weir Coefficient Equal to 2.3

W = Width of the Depressed Gutter, ft

Curb inlets operate as orifices at depths greater than approximately 1.4 times the opening height. The equation for the interception capacity of a curb inlet acting as an orifice is shown below. This equation is applicable to depressed and non-depressed curb inlets. The depth at the inlet includes any gutter depression.

$$Q_i = C_o h L (2g d_o)^{0.5}$$

Where:

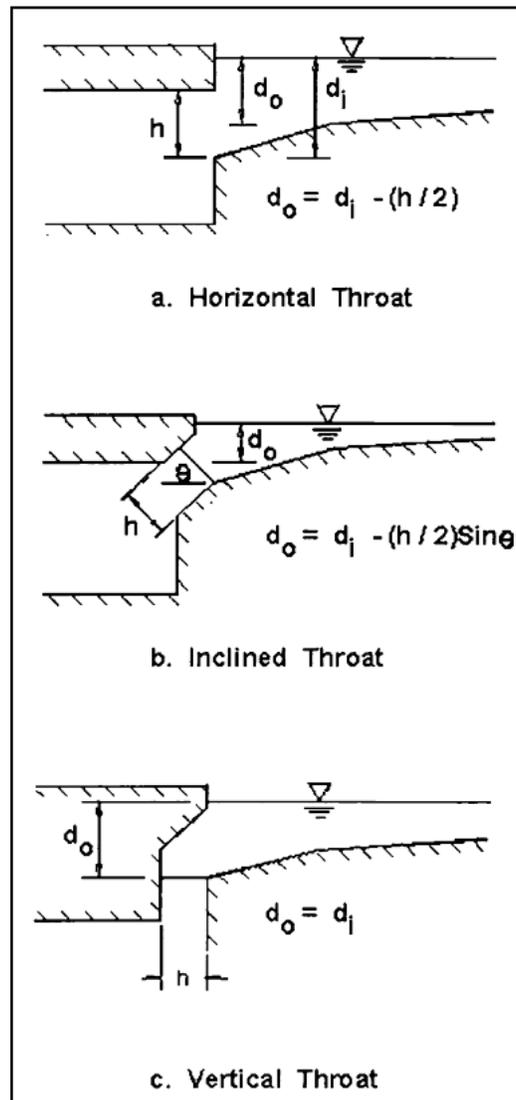
C_o = Orifice Coefficient Equal to 0.67

h = Height of Curb Opening, ft

g = Gravitational Constant Equal to 32.2 ft/s²

d_o = Effective Head on the Center of the Orifice Throat, ft

Figure 3-2. Curb Inlet Opening Configurations



3.5 Storm Sewer

3.5.1 Overview

The installation of storm sewer systems is required when the other parts of the minor system (i.e., curb, gutter, and roadside ditches) no longer have capacity for additional runoff, so that spread widths and flow depths exceed requirements previously presented. It should be recognized that the rate of discharge to be carried by any section of storm sewer is not necessarily the sum of the inlet design discharge rates of all inlets above that section of pipe, but as a general rule is somewhat less than this total. The time of concentration is most influential, and as the time of concentration grows larger, the proper rainfall intensity to be used in the design grows smaller.

3.5.2 Design Criteria

Hydraulic design of storm sewers shall be in accordance with the following:

3.5.2.1 Material and Capacity

- All storm sewer pipe shall have smooth interior walls.
- All storm sewer pipe shall be reinforced concrete pipe (RCP), high density polyethylene pipe – smooth interior (HDPE-SI), or polyvinyl chloride pipe (PVC). Reinforced concrete pipe shall have a pipe class determined according to the actual depth of cover over the pipe. Pipe joints and construction shall conform with the requirements of the City standard specifications.
- Storm sewers shall be designed using a Manning’s n value of 0.012. See Chapter Five for Manning’s n values of pipe materials other than RCP to evaluate the hydraulic capacity of existing systems.
- The minimum pipe size for storm sewer is 15 inches.
- Storm sewers should be designed to flow full at the design runoff for the minor storm. To prevent silt accumulation, a full flow velocity of 3 feet per second should be maintained in the storm sewer. The full flow velocity should not exceed 20 feet per second.
- The hydraulic grade line shall be 0.75 feet below the intake lip of any affected inlet, any manhole cover, or the flow line of the highest pipe of any entering non-pressurized system.
- The energy grade line shall not rise above the intake lip of any affected inlet, any manhole cover, or the flow line of any such entering non-pressurized system.
- Storm sewer pipes will remain the same size or increase in size going downstream within a system.

3.5.2.2 Alignment and Depth of Cover

- Storm sewers should be constructed on a straight (tangent) alignment between manholes and inlets. Storm sewers should not be constructed on curves.
- Pipe crowns shall be matched at manholes and inlets unless a drop manhole is being used to control the velocity.
- The maximum spacing of access points to the storm sewer shall not exceed 500 feet.
- The minimum physical pipe slope shall be 0.5 percent. Flatter slopes, especially for large-diameter storm sewer, may be used in design if scour velocity is maintained and if approved by the City.
- The desired depth of cover above a storm sewer pipe shall be 2 to 3 feet, with 1.5 feet being the absolute minimum. Cover greater than 3 feet should generally be avoided due to the possibility of the storm sewer blocking access of sanitary sewer service lines.
- Storm sewers should be laid a minimum of 10 feet horizontally from any existing or proposed water main (measured edge to edge). In cases where it is not practical to maintain a 10-foot separation, the Nebraska Department of Health and Human Services (NDHHS) may allow installation of the sewer closer to the water main, provided that the sewer is laid in a separate trench or on an undisturbed earth shelf located on one side of the water main or at such an elevation that the bottom of the sewer is at least 18 inches above the top of the water main.

- When crossing a water main, the edge of the storm sewer shall be a minimum vertical distance of 18 inches from the outside edge of the water main. This shall be the case whether the sewer is above or below the water main. At crossings, one full length of water pipe shall be located so that both joints will be at least 10 feet from the sewer, or 20 feet of the water main shall be enclosed by casing centered on the sewer.
- The NDHHS must specifically approve any variance from the requirements of these instructions when it is impossible to obtain the specified separation distances.

3.5.3 Capacity Calculations

The most widely used formula for determining the hydraulic capacity of storm sewer pipes is Manning's equation expressed by:

$$V = (1.486R^{2/3}S^{1/2})/n$$

Where:

$V =$ Average Velocity of Flow, ft/s

$R =$ Hydraulic Radius, ft

$=$ The Area of Flow Divided By the Wetted Perimeter (A/WP)

$S =$ The Slope of the Hydraulic Grade Line, ft/ft

$n =$ Manning's Roughness Coefficient

In terms of discharge, Manning's equation becomes:

$$Q = (1.486AR^{2/3}S^{1/2})/n$$

$Q =$ Rate of Flow, cfs

$A =$ Cross Sectional Area of Flow, sq ft

For pipes flowing full, the above equations become:

$$V = (0.590D^{2/3}S^{1/2})/n$$

$$Q = (0.463D^{8/3}S^{1/2})/n$$

Where:

$D =$ Diameter of Pipe, ft

3.5.4 Energy Grade Line and Hydraulic Grade Line

The energy grade line (EGL) is an imaginary line that represents the total energy along a channel or conduit carrying water. Total energy includes elevation (potential) head, velocity head, and pressure head. The calculation of the EGL for the full length of the system is critical to the evaluation of a storm sewer. To develop the EGL, it is necessary to calculate all of the losses through the system. The energy equation states that the energy head at any cross section must equal that in any other downstream section plus the intervening losses. The intervening losses are typically classified as either friction losses or form losses. Knowledge of the location of the EGL is critical to understanding and calculating the location of the hydraulic grade line (HGL).

The HGL is a line coinciding with the level of flowing water at any point along an open channel. In closed conduits flowing under pressure, the HGL is the level to which water would rise in a vertical tube at any point along the pipe. The HGL is determined by subtracting the velocity head ($V^2/2g$) from the EGL. The HGL is used to aid the designer in determining the acceptability of a proposed storm drainage system by establishing the elevation to which water will rise when the system is operating under design conditions.

The methodology in HEC 22 should be used for the calculation of the energy losses, the energy grade line, and the hydraulic grade line for a storm sewer system.

3.5.5 Manholes

Manholes provide access to storm drains for inspection and cleanout and are used for changing direction, grade, or convergence. Care should be taken to ensure the diameter of the manhole is adequate to accommodate all entering and exiting pipes. The designer should use supplier's recommendations and lay out the geometrics of the pipes and manhole to verify the diameter is adequate. The crowns of all storm sewer pipes entering and leaving a manhole shall be at the same elevation. Manholes should generally be placed at the following locations:

- Convergence of two or more storm sewers
- Intermediate points along tangent sections
- Change in pipe size
- Change in pipe alignment
- Change in pipe grade

3.6 References

- City of Brookings, South Dakota, 2006. *Storm Drainage Design and Technical Criteria Manual*.
- City of Lincoln Public Works and Utilities Department, 2000. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2009. *Hydraulic Engineering Circular No. 22, Third Edition, Urban Drainage Design Manual*.
- Nebraska Department of Transportation, 2006. *Drainage Design and Erosion Control Manual*.

4. OPEN CHANNELS

4.1 Overview

Open channels are the cornerstone of most major drainage systems, providing conveyance of drainage and floodwaters through natural and manmade drainageways. This chapter discusses the fundamentals of open channel hydraulics and includes procedures for the design of open channels. The designer should consult the most recent editions of Hydraulic Design Series No. 4: Introduction to Highway Hydraulics (HDS 4) and Hydraulic Engineering Circular No. 15: Design of Roadside Channels with Flexible Linings for detailed explanations of specialized procedures and methods pertaining to open channel hydraulics.

Use of natural channels is encouraged whenever possible, particularly for the major drainage system, as there can be advantages in terms of cost, capacity, and multiple use (i.e., recreation, wildlife habitat, etc.). Where natural channels are not well defined, drainage paths can usually be determined by topography and inspection, and these paths can be used as the basis for location and construction of channels. For any open channel conveyance, channel stability must be evaluated to determine what measures may be needed to prevent bottom scour and bank cutting or incising. Channels shall be designed for long-term stability but be left in as near natural condition as possible. Even where streams retain a relatively natural state, streambanks may need to be stabilized while vegetation recovers. To preserve riparian characteristics of channels, channel improvement or stabilization projects should minimize the use of visible concrete, riprap, or other hard stabilization materials.

Hydraulic analysis software such as the US Army Corps of Engineers HEC-RAS or Federal Highway Administration's Hydraulic Toolbox may be useful for preliminary and final channel analysis and design. Channel alignment revisions will require a Corps of Engineers 404 permit if the work is on a jurisdictional channel.

4.2 Open Channel Flow

Several types of flow are possible in open channels, which can be classified as:

- Uniform or Non-uniform
- Steady or Unsteady
- Subcritical, Critical, or Supercritical

Uniform flow is defined as a flow with a constant depth, cross-section, and velocity as it travels the length of channel. **Non-uniform flow** is one where the flow depth, cross-section, and/or velocity changes as it travels a length of channel.

Steady flow is defined as a flow with a constant discharge over time. **Unsteady flow** is one where the amount of discharge changes over time.

Subcritical flow is defined as a flow with a Froude number less than one ($Fr < 1.0$) and the depth of the channel flow is greater than the critical depth for the channel. Water flowing in a subcritical state has a relatively low velocity and is often described as tranquil. Subcritical flows will allow downstream losses to be transferred upstream.

Supercritical flow is defined as a flow with a Froude number greater than one ($Fr > 1.0$) and the depth of the channel flow is less than the critical depth for the channel. Water flowing in a supercritical state has a high velocity and is often described as rapid or shooting. Supercritical flows do not transfer downstream losses upstream.

Critical flow is defined as a flow with a Froude number equal to one ($Fr = 1$).

Non-uniform, unsteady, subcritical flow is the most common type of flow in open channels. However, due to the complexity and difficulty involved in the analysis of this type of flow, most hydraulic computations are made with certain simplifying assumptions that allow the application of steady, uniform (or gradually varied) flow principles.

The use of **steady flow methods** assumes that the discharge at a point does not change with time, and the use of **uniform flow methods** assumes that there is no change in velocity, in magnitude, or in direction with distance along a streamline. **Steady, uniform flow** is thus characterized by constant velocity and flow rate from section to section along the channel.

Steady, uniform flow is an idealized concept of open channel flow, which seldom occurs in natural channels and is difficult to obtain even in model channels. However, for most practical applications, the flow is assumed to be steady, and changes in width, depth, or direction (resulting in non-uniform flow) are sufficiently small that flow can be considered uniform. For these reasons, use of uniform flow theory is usually within acceptable degrees of accuracy.

4.2.1 Critical Depth

Critical depth is the depth at which a given quantity of water flows with the minimum content of energy. In a given channel, critical depth occurs when the specific energy (depth + velocity head) is at a minimum. Critical depth is important as a hydraulic “control point,” which is a location along the channel or culvert where depth of flow can be computed directly.

Critical depth is particularly helpful in the hydraulic analysis of culverts. Since flow must pass through critical depth when changing from subcritical flow to supercritical flow, critical depth typically occurs at the following locations:

- Abrupt changes in channel or culvert slope when a flat slope is sharply increased to a steep slope (as in broken-back culverts)
- A channel constriction such as a culvert entrance
- The unsubmerged outlet of a culvert on subcritical slope, discharging into a wide channel or free outfall (no tailwater present at the outlet)
- The crest of an overflow dam or weir

The following relationship is used to calculate critical depth:

$$A^3/T = Q^2/g$$

where:

A = Cross-sectional Area of Channel, ft^2

T = Topwidth of Water Surface, ft

Q = Discharge, cfs

g = Acceleration of Gravity = $32.2 \text{ } ft/sec^2$

As can be seen from this equation, critical depth is dependent on channel geometry (shape) and discharge **only**. It is independent of channel slope and roughness. This means that for a given flow rate and channel cross-section, critical depth remains constant throughout the channel or culvert length, even though the channel slope may change.

4.2.2 Froude Number

The Froude number is a dimensionless number that represents the ratio of inertial to gravitational forces. It is defined by the following equation:

$$Fr = V / (gD)^{0.5}$$

where:

Fr = Froude Number

V = Velocity in Channel, ft/sec

g = Acceleration of Gravity = $32.2 ft/sec^2$

D = Hydraulic Depth, $ft = Flow Area / Top Width$

- **Critical flow** exists when inertial forces and gravity are equal, ($Fr = 1.0$).
- **Supercritical flow** (Shallow, Rapid flow) exists when the inertial forces are greater than gravity forces (High Velocity), ($Fr > 1.0$).
- **Subcritical flow** (Deep, Tranquil flow) exists when inertial forces are less than gravity forces (Low Velocity), ($Fr < 1.0$).

4.2.3 Manning's Equation

An open channel must be designed to convey the peak runoff rate for the selected design storm frequency. The hydraulic capacity of an open channel can be determined from Manning's equation for evaluating uniform flow in open channels. See Section 4.3.7 for Manning's equation and further discussion on open channel flow criteria.

4.3 Open Channel Design Criteria

4.3.1 General Criteria

The following criteria should be used for open channel design:

- Trapezoidal cross sections are preferred; triangular shapes should be avoided.
- Channel side slopes shall be stable throughout the entire length and side slope shall depend on the channel material. A maximum of 4H:1V is recommended for vegetation and 2H:1V for riprap, unless otherwise justified by calculations.
- If relocation of a stream channel is unavoidable, the cross-sectional shape, meander, pattern, roughness, sediment transport, and slope should generally conform to the existing conditions, taking increased flows from urbanization into consideration. Energy dissipation or grade control may be necessary.
- Streambank stabilization should be provided, when appropriate and should include upstream and downstream banks, as well as the local project site.
- A low flow or trickle channel may be needed for grass-lined channels.

4.3.2 Channel Transitions

The following criteria should be considered at channel transitions:

- Transitions from one channel section to another should be smooth and gradual to avoid turbulence and eddies.
- Energy losses in transitions should be accounted for as part of the water surface profile calculations.
- Scour downstream from rigid-to-natural and steep-to-mild slope transition sections should be accounted for through velocity-slowng and energy-dissipating devices.

4.3.3 Return Period Design Criteria

Open channels, including floodplains, shall be sized to handle the 100-year storm. The 100-year storm event shall not encroach on buildable lots and shall be contained in out-lots or easements when not confined to the channel itself. When comprising the minor drainage system, open channels shall be sized to handle the 5-year storm in residential areas and the 10-year storm in downtown, commercial, and industrial areas. If a low flow channel is incorporated into the channel cross section, it shall be designed to convey 1 percent of the 100-year storm.

4.3.3.1 Approximate Flood Limits Determination

The approximate flood limits of the 100-year storm shall be determined for all open channels and all areas inundated shall be protected from development through out-lots or easements as directed by the City. Using the Manning's Equation may be an acceptable procedure to determine flood limits for small and intermediate open channels. The City may require a hydraulic model to determine flood limits for large and/or complex channels where steady, uniform flow assumptions may provide inaccurate results.

4.3.4 Velocity Limitations

Sediment transport requirements must be considered for conditions of flow below the design frequency. Minimum channel flow velocity for the 2-year storm shall be 2 feet per second. A low flow channel component within a larger channel can reduce maintenance by increasing the velocity of small storms to improve sediment transport in the channel.

4.3.5 Freeboard

A minimum freeboard of 1 foot should be provided between the water surface and top of bank or the elevation of the lowest opening of adjacent structures. Freeboard should be determined based on the 100-year storm water surface elevation under mature channel conditions.

4.3.6 Grade Control Structures

Grade control structures are used to prevent streambed degradation. This is accomplished in two ways. First, the structures provide a firm structural flowline elevation that prevents bed erosion and subsequent slope increases. Second, some structures provide controlled dissipation of energy between upstream and downstream sides of the structure. Structure choice depends on existing or anticipated erosion, cost, and environmental objectives. Design guidance for grade control structures can be found in the most recent editions of Hydraulic Engineering Circular No. 14: Hydraulic Design of Energy Dissipators for Culverts and Channels (HEC 14) and Hydraulic Engineering Circular No. 23: Bridge Scour and Stream Instability Countermeasures.

4.3.7 Manning's Equation

An open channel must be designed to convey the peak runoff rate for the selected design storm frequency. The hydraulic capacity of an open channel can be determined from Manning's equation for evaluating uniform flow in open channels.

$$Q = VA$$

Where:

$Q = \text{Discharge, cfs}$

$A = \text{Cross-sectional Area of Channel, ft}^2$

$V = \text{Velocity in Channel, ft/sec}$

$$V = \frac{1.486}{n} R^{2/3} S^{1/2}$$

Where:

$R = \text{Hydraulic Radius, ft} = A/WP$

$WP = \text{Wetted Perimeter, ft}$

$S = \text{Slope of Hydraulic Grade Line, ft/ft}$

(Can be Approximated by Channel Slope)

$n = \text{Manning's Roughness Coefficient}$

If a channel cross section is irregular in shape, such as a channel with a relatively narrow, deep main channel and wide, shallow overbank channels, the cross section should be subdivided, and the discharge computed separately for the main channel and the overbank channels. The same procedure is used when parts of the cross section have different roughness coefficients. In computing the hydraulic radius of the subsections, the water depth common to adjacent subsections is not counted as wetted perimeter.

Table 4-1. Open Channel Manning’s Roughness Coefficients

Lined, Straight Alignment		Manning’s n Range
Concrete with Surface as Indicated	Formed, No Finish	0.013 – 0.017
	Trowel Finish	0.012 – 0.014
	Float Finish	0.013 – 0.015
	Float Finish, Some Gravel on Bottom	0.015 – 0.017
	Gunite, Good Section	0.016 – 0.019
	Gunite, Wavy Section	0.018 – 0.022
Concrete, Bottom Float Finished, Sides as Indicated	Dressed Stone in Mortar	0.015 – 0.017
	Random Stone in Mortar	0.017 – 0.020
	Cement Rubble Masonry	0.020 – 0.025
	Cement Rubble Masonry, Plastered	0.016 – 0.020
	Dry Rubble (Riprap)	0.020 – 0.030
Gravel Bottom, Sides as Indicated	Formed Concrete	0.017 – 0.020
	Random Stone in Mortar	0.020 – 0.023
	Dry Rubble (Riprap)	0.023 – 0.033
Asphalt	Smooth	0.013
	Rough	0.016
Concrete Lined Excavated Rock	Good Section	0.017 – 0.020
	Irregular Section	0.022 – 0.027
Excavated, Straight Alignment, Natural Lining		Manning’s n Range
Earth, Uniform Section	Clean, Recently Completed	0.016 – 0.018
	Clean, After Weathering	0.018 – 0.020
	With Short Grass, Few Weeds	0.022 – 0.027
	In Gravelly Soil, Uniform Section, Clean	0.022 – 0.025
Earth, Fairly Uniform Section	No Vegetation	0.022 – 0.025
	Grass, Some Weeds	0.025 – 0.030
	Dense Weeds or Aquatic Plants in Deep Channels	0.030 – 0.035
	Sides Clean, Gravel Bottom	0.025 – 0.030
	Sides Clean, Cobble Bottom	0.030 – 0.040
Dragline Excavated or Dredged	No Vegetation	0.028 – 0.033
	Light Brush on Banks	0.035 – 0.050
Rock	Based on Design Section	0.035
	Based on Actual Mean Section, Smooth and Uniform	0.035 – 0.040
	Based on Actual Mean Section, Jagged and Irregular	0.040 – 0.045
Channels not Maintained, Weeds and Brush Uncut	Dense Weeds, High as Flow Depth	0.080 – 0.120
	Clean Bottom, Brush on Sides	0.050 – 0.080
	Clean Bottom, Brush on Sides, Highest Stage of Flow	0.070 – 0.110
	Dense Brush, High Stage	0.100 – 0.140

Channels & Swales with Maintained Vegetation (2-6 ft/s)			Manning's n Range
Depth of Flow up to 0.7 Foot	Bermudagrass, Kentucky Bluegrass, Buffalograss	Mowed to 2 Inches	0.045 – 0.070
		Length 4-6 Inches	0.050 – 0.090
	Good Stand, Any Grass	Length 12 Inches	0.090 – 0.180
		Length 24 Inches	0.150 – 0.300
	Fair Stand, Any Grass	Length 12 Inches	0.080 – 0.140
		Length 24 Inches	0.130 – 0.250
Depth of Flow 0.7 – 1.5 Feet	Bermudagrass, Kentucky Bluegrass, Buffalograss	Mowed to 2 Inches	0.030 – 0.050
		Length 4-6 Inches	0.040 – 0.060
	Good Stand, Any Grass	Length 12 Inches	0.070 – 0.120
		Length 24 Inches	0.100 – 0.200
	Fair Stand, Any Grass	Length 12 Inches	0.060 – 0.100
		Length 24 Inches	0.090 – 0.170
Natural Stream Channels			Manning's n Range
Minor Streams, Surface Width at Flood Stage Less than 100 Feet	Fairly Regular Section	Some Grass & Weeds, Little or No Brush	0.030 – 0.035
		Dense Growth of Weeds, Depth of Flow Materially Greater than Weed Height	0.035 – 0.050
		Some Weeds, Light Brush on Banks	0.035 – 0.050
		Some Weeds, Heavy Brush on Banks	0.050 – 0.070
		Some Weeds, Dense Willows on Banks	0.060 – 0.080
		For Trees within Channel with Branches Submerged at High Stage, Increase all Above Values by:	0.010 – 0.020
	Irregular Sections w/ Pools & Channel Meander, Increase all Above Values by:	0.010 – 0.020	

Natural Stream Channels			Manning's n Range
Floodplains Adjacent to Natural Streams	Pasture, No Brush	Short Grass	0.030 – 0.035
		High Grass	0.035 – 0.050
	Cultivated Areas	No Crop	0.030 – 0.040
		Mature Row Crops	0.035 – 0.045
		Mature Field Crops	0.040 – 0.050
	Heavy Weeds, Scattered Brush		0.050 – 0.070
	Light Brush & Trees	Winter	0.050 – 0.060
		Summer	0.060 – 0.080
	Medium to Dense Brush	Winter	0.070 – 0.110
		Summer	0.100 – 0.160
	Dense Willows, Summer, Not Bent by Current		0.150 – 0.200
	Cleared Land w/ Tree Stumps	No Sprouts	0.040 – 0.050
		Heavy Growth of Sprouts	0.060 – 0.080
	Heavy Timber, Little Brush	Depth Below Branches	0.100 – 0.120
Depth Reaches Branches		0.120 – 0.160	
Major Streams, Surface Width at Flood Stage More than 100 Feet, No Boulders or Brush (1)			0.028 – 0.033

- (1) Roughness coefficient is usually less than for minor streams of similar description on account of less effective resistance offered by irregular banks or vegetation on banks. Values of n may be somewhat reduced.

4.3.8 Flow in Bends

Flow around a bend in an open channel induces centrifugal forces because of the change in flow direction. This results in a super elevation of the water surface at the outside of bends and can cause the flow to splash over the side of the channel if adequate freeboard is not provided. This super elevation can be estimated by the following equation.

$$\Delta d = V^2 T / g R_c$$

Where:

Δd = Difference in Water Surface Elevation
Between Inner & Outer Banks

V = Average Velocity, ft/sec

T = Surface Width of Channel, ft

g = Acceleration of Gravity = $32.2 ft/sec^2$

R_c = Radius of Centerline of Channel, ft

The elevation of the water surface at the outer channel bank will be $\Delta d/2$ higher than the centerline water surface elevation (the average water surface elevation immediately before the bend) and the elevation of the water surface at the inner channel bank will be $\Delta d/2$ lower than the centerline water surface elevation. Flow around a channel bend also imposes higher shear stress on the channel bottom and banks and may impact channel stability as described in the following sections.

4.3.9 Shear Stress

The hydrodynamic force created by water flowing in a channel causes a shear stress on the channel bottom. The bed material, in turn, resists this shear stress by developing a tractive force. Tractive force theory states that the flow-induced shear stress should not produce a force greater than the tractive resisting force of the bed material. This tractive resisting force of the bed material creates the permissible or critical shear stress of the bed material.

4.3.9.1 Shear Stress in Straight Channels

The maximum shear stress for a straight channel occurs on the channel bed and is less than or equal to the shear stress at maximum depth. The maximum shear stress is computed as:

$$\tau_d = \gamma d S_o$$

Where:

τ_d = Maximum Shear Stress, lb/ft^2

γ = Unit Weight of Water, $62.4 lb/ft^3$

d = Maximum depth of Flow, ft

S_o = Average Bed Slope or Engery Slope, ft/ft

4.3.9.2 Shear Stress of Channel Sides

Shear stress is generally reduced on the channel sides compared with the channel bottom. The maximum shear on the side of a channel is given by the following equation for trapezoidal channels:

$$\tau_s = K_1 \tau_d$$

Where:

$$\tau_s = \text{Side Shear Stress, } lb/ft^2$$

$$K_1 = \text{Ratio of Channel Side to Bottom Shear Stress}$$

Table 4-2. Ratios of Channel Side to Bottom Shear Stress

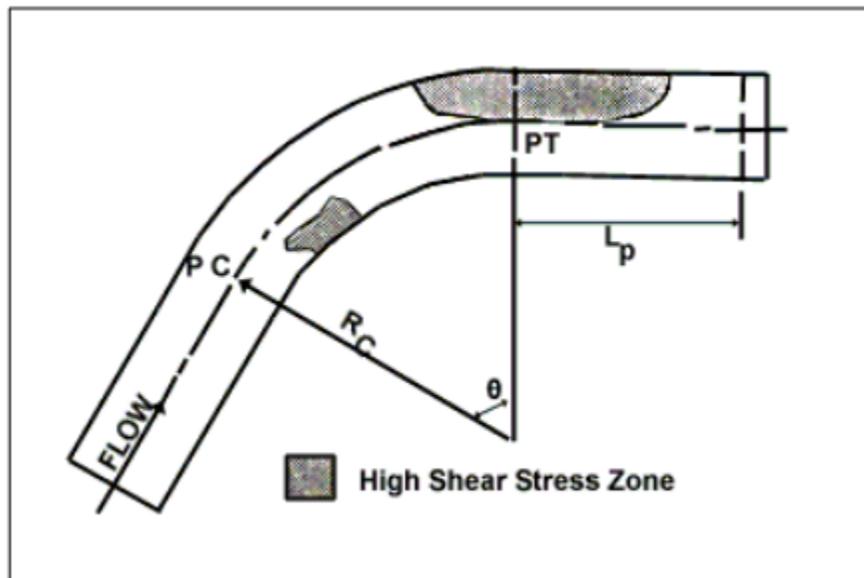
Value of K_1	Channel Side Slope
0.77	$Z \leq 1.5$
$0.066Z + 0.67$	$1.5 < Z < 5$
1.0	$5 \leq Z$

The Z value represents the horizontal dimension Z:1 (H:V). Use of side slopes steeper than 3:1 (H:V) is not encouraged for flexible linings other than riprap or gabions because of the potential for erosion of the side slopes.

4.3.9.3 Shear Stress in Bends

Flow around a bend creates secondary currents, which impose higher shear stresses on the channel sides and bottom compared to a straight reach as shown on Figure 4-1. At the beginning of the bend, the maximum shear stress is near the inside and moves toward the outside as the flow leaves the bend. The increased shear stress caused by a bend persists downstream of the bend.

Figure 4-1. High Shear Stress Zone in Bends



The maximum shear stress in a bend is computed as:

$$\tau_b = K_b \tau_d$$

Where:

$$\tau_b = \text{Shear Stress in a Bend, } lb/ft^2$$

$$K_b = \text{Ratio of Channel Bend to Bottom Shear Stress}$$

The maximum shear stress in a bend is a function of the ratio of channel curvature to the top (water surface) width, R_c/T . As R_c/T decreases, that is as the bend becomes sharper, the maximum shear stress in the bend tends to increase. K_b can be determined from Table 4-3.

Table 4-3. Ratios of Channel Bend to Bottom Shear Stress

Value of K_b	R_c/T
2.00	$R_c/T \leq 2$
$2.38 - 0.206(R_c/T) + 0.0073(R_c/T)^2$	$2 < R_c/T < 10$
1.05	$10 \leq R_c/T$

The added stress induced by bends does not fully attenuate until some distance downstream of the bend. If added lining protection is needed to resist the bend stresses, this protection should continue downstream a length given by:

$$L_p = \alpha \left(\frac{R^{7/6}}{n} \right)$$

Where:

$$L_p = \text{Length of Protection, } ft$$

$$R = \text{Hydraulic Radius, } ft = A/WP$$

$$n = \text{Manning's Roughness for Lining Material in Bed}$$

$$\alpha = \text{Unit Conversion Constant} = 0.60$$

4.3.9.4 Effective Shear Stress in Grass Lined Channels

Grass linings move shear stress away from the soil surface. The remaining shear at the soil surface is termed the effective shear stress. When the effective shear stress is less than the allowable shear for the soil surface, then erosion of the soil surface will be controlled. Grass linings provide shear reduction in two ways. First, the grass stems dissipate shear force within the canopy before it reaches the soil surface. Second, the grass plant (both the root and stem) stabilizes the soil surface against turbulent fluctuations. This process model for the effective shear at the soil surface is given by the following equation.

$$\tau_e = \tau_d K_e$$

Where: $\tau_e = \text{Effective Shear Stress on the Soil Surface, } lb/ft^2$

$$K_e = \text{Ratio of Effective to Bottom Shear Stress}$$

Table 4-4 provides typical examples of K_e for common grass linings. See the most recent edition of Hydraulic Engineering Circular No. 15: Design of Roadside Channels with Flexible Linings (HEC 15) for effective shear stress development for grasses not provided in Table 4-4.

Table 4-4. Typical Ratios of Effective to Bottom Shear Stress

Grass Type	Grass Length	Flow Depth	K_e
Bermudagrass, Kentucky Bluegrass, Buffalograss	Mowed to 2 Inches	4 Inches	0.013
		8 Inches	0.016
		12 Inches	0.021
		18 Inches	0.028
	Length 4-6 Inches	4 Inches	0.010
		8 Inches	0.012
		12 Inches	0.015
		18 Inches	0.016
Fair Stand, Any Grass (Includes Native Grasses)	Length 12 Inches	4 Inches	0.021
		8 Inches	0.026
		12 Inches	0.033
		18 Inches	0.038
	Length 24 Inches	4 Inches	0.008
		8 Inches	0.010
		12 Inches	0.014
		18 Inches	0.017
Good Stand, Any Grass	Length 12 Inches	4 Inches	0.008
		8 Inches	0.010
		12 Inches	0.012
		18 Inches	0.013
	Length 24 Inches	4 Inches	0.003
		8 Inches	0.004
		12 Inches	0.005
		18 Inches	0.006
Good Stand, Wetland Mixture (Cattails)	Uncut	4 Inches	0.001
		8 Inches	0.001
		12 Inches	0.001
		18 Inches	0.001

4.3.9.5 Permissible Shear Stress

Flexible linings (grass, riprap, etc.) act to reduce the shear stress on the underlying soil surface. For example, a long-term lining of vegetation in good condition can reduce the shear stress on the soil surface by over 90 percent. Transitional linings (erosion control blankets, transition mats, etc.) act in a similar manner as vegetative linings to reduce shear stress. Performance of these products depends on their properties: thickness, cover density, and stiffness.

The erodibility of the underlying soil, therefore, is a key factor in the performance of flexible linings. The erodibility of soils is a function of particle size, cohesive strength, and soil density. The erodibility of non-cohesive soils (defined as soils with a plasticity index of less than 10) is due mainly to particle size, while fine-grained cohesive soils are controlled mainly by cohesive strength and soil density. For most construction, the density of the embankment is controlled by compaction rather than the natural density of the undisturbed ground. However, when the ditch is lined with topsoil, the placed density of the topsoil should be used instead of the density of the compacted embankment soil.

For stone linings, the permissible shear stress, τ_p , indicates the force required to initiate movement of the stone particles. Prior to movement of stones, the underlying soil is relatively protected. Therefore, permissible shear stress is not significantly affected by the erodibility of the underlying soil. However, if the lining moves, the underlying soil will be exposed to the erosive force of the flow.

Table 4-5 provides typical examples of permissible shear stress for bare soil and selected linings. See HEC 15 for permissible shear stress development for linings not provided in Table 4-5.

Table 4-5. Typical Permissible Shear Stresses for Bare Soil and Stone Linings

Lining Category	Lining Type	Permissible Shear Stress, lb/ft^2
Bare Soil, Cohesive (PI = 10)	Clayey Sands	0.037-0.095
	Inorganic Silts	0.027-0.110
	Silty Sands	0.024-0.072
Bare Soil, Cohesive (PI ≥ 20)	Clayey Sands	0.094
	Inorganic Silts	0.083
	Silty Sands	0.072
	Inorganic Clays	0.140
Bare Soil, Non-cohesive (PI < 10)	Finer than Coarse Sand, $D_{75} < 0.05$ inch	0.02
	Fine Gravel, $D_{75} = 0.3$ inch	0.12
	Gravel, $D_{75} = 0.6$ inch	0.24
Gravel Mulch	Course Gravel, $D_{50} = 1.0$ inch	0.4
	Very Course Gravel, $D_{50} = 2.0$ inch	0.8
Rock Riprap	NDOT, Type A, $D_{50} = 0.77$ feet	3.1
	NDOT, Type B, $D_{50} = 1.02$ feet	4.1
	NDOT, Type C, $D_{50} = 1.28$ feet	5.1
Concrete Riprap	NDOT, $D_{50} = 1.10$ feet	4.4

4.4 Construction and Maintenance Considerations

Open channels can lose hydraulic capacity without adequate maintenance. Brush, sediment, or debris can reduce design capacity and can harm or kill vegetative linings, thus creating the potential for erosion damage during large storm events. Maintenance may include repairing erosion damage, mowing grass, cutting brush, removing sediment or debris, applying fertilizer appropriately, irrigating during dry periods, and reseeding or resodding to restore the viability of damaged areas. Ample sizing of channels should be used to account for future vegetation growth.

Implementation of a successful maintenance program is directly related to the accessibility of the channel system and the easements necessary for maintenance activities. The easement cross-section must accommodate the depth and width of flow for the 100-year storm. The width must also be designed to allow access of maintenance equipment.

4.5 References

- City of Lincoln Public Works and Utilities Department, 2004. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2008. *Hydraulic Design Series No. 4, Third Edition, Introduction to Highway Hydraulics*.
- Federal Highway Administration, 2006. *Hydraulic Engineering Circular No. 14, Third Edition, Hydraulic Design of Energy Dissipators for Culverts and Channels*.
- Federal Highway Administration, 2005. *Hydraulic Engineering Circular No. 15, Third Edition, Design of Roadside Channels with Flexible Linings*.
- Federal Highway Administration, 2009. *Hydraulic Engineering Circular No. 23, Third Edition, Bridge Scour and Stream Instability Countermeasures*.
- Nebraska Department of Transportation, 2006. *Drainage and Erosion Control Manual*.

5. DESIGN OF CULVERTS

5.1 Overview

Culverts are enclosed conduits used to convey water through embankments such as highways, streets, and driveways. In addition to their hydraulic function, culverts must also support earth loads, traffic, and construction equipment. Therefore, culvert design involves both hydraulic and structural design. They must be designed to protect the traveling public and adjacent property from flood hazards in a reasonable and prudent manner.

Primary considerations for the final selection of any drainage structure are that its design be based on appropriate hydraulic principles, economy, and that it has allowable design storm headwater depth and outlet velocity. The allowable headwater elevation is that elevation above which unacceptable impacts may be caused to adjacent property and/or the roadway. It is this allowable headwater depth that is the primary basis for sizing a culvert. In addition to sound hydraulic design, sound structural design, site design and construction practices are necessary for a culvert to function properly.

Any structure that measures less than 20 feet from the inside face of the exterior wall to the inside face of the exterior wall (including interior walls) along the centerline of the roadway is classified as a culvert. Any structure that measures 20 feet or greater for the same dimensions is classified as a bridge or major structure.

5.2 Engineering Design Criteria

The engineering design criteria described in this chapter are based on the most recent edition of Hydraulic Design Series 5: Hydraulic Design of Highway Culverts (HDS 5). See HDS 5 for additional design procedures not found in this manual.

Hydraulic analysis of culverts includes the computation of:

- Drainage area
- Allowable headwater
- Outlet velocity
- Design flow
- Headwater at design flow

Culvert design also involves the consideration of the following factors:

- Inlet and outlet control
- Culvert length and extensions
- Multiple installations
- Outlet velocity
- Slope and alignment
- Bedding and fill requirements
- Culvert shape and cross section
- End treatments
- Inlet improvement
- Culvert size
- Camber

5.2.1 Return Period

Since it is generally not economically feasible to design culverts for the maximum runoff that a watershed is capable of producing, design storm frequency criteria must be established. The design storm frequency criteria for culverts is 50 years for the major system and 10 years for the minor system. The minor system consists of culverts and open channels that run parallel to the roadway and are used to drain the roadway in lieu of a storm sewer system.

5.2.2 Headwater Elevation

Any culvert that constricts the natural stream flow will cause a rise in the upstream water depth to some extent. The depth of water in the stream measured from the culvert inlet invert (flowline) is termed headwater.

The maximum allowable headwater elevation for culverts will be the lowest of the following:

- One foot below the top of all roadway curbs or edges of roadway pavement.
- One foot above the top of the culvert.
- Elevations that could damage adjacent property.
- Elevations established to delineate floodplain zoning at the culvert.
- Ditch elevation of the terrain that would permit flow to divert around the culvert.

The headwater shall also be checked for the 100-year design storm to ensure compliance with street cross flow criteria established for the major storm in Chapter 3 of this manual, to ensure compliance with floodplain management regulations, and to avoid increasing the water surface elevation on an adjacent property.

5.2.3 Tailwater Elevation

Tailwater is the flow depth in the downstream channel measured from the invert at the culvert outlet. It can be an important factor in culvert hydraulic design because a submerged outlet may cause the culvert to flow full rather than partially full.

A field inspection of the downstream channel should be made to determine whether there are obstructions that will influence the flow depth. Tailwater depth may be controlled by the stage in another stream, headwater from structures downstream of the culvert, reservoir water surface elevations, or other downstream features.

5.2.4 Inlet and Outlet Control

Based on laboratory tests and field observations there are two major types of culvert flow:

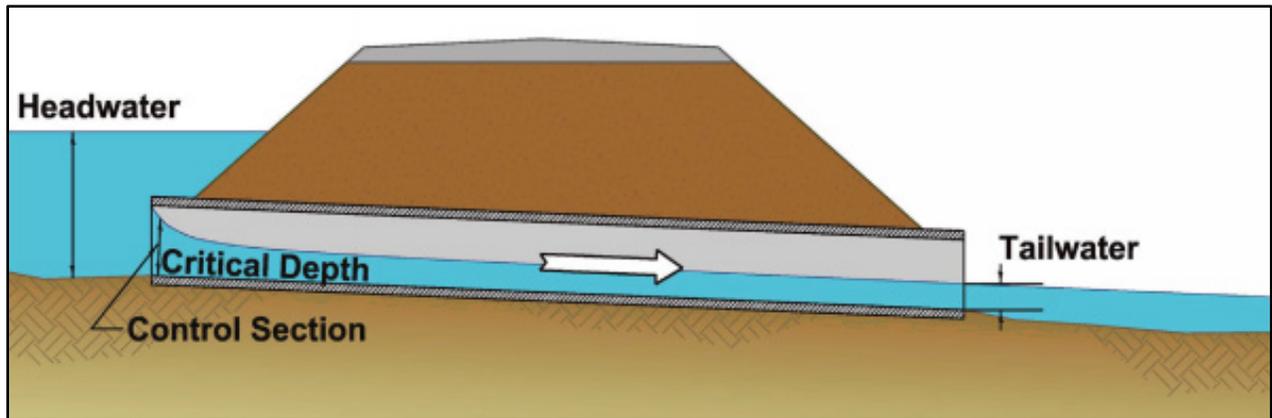
- Flow with inlet control
- Flow with outlet control

For each type of control, different factors and formulas are used to compute the hydraulic capacity of a culvert. Hydraulic analysis of a culvert design includes determining the headwater elevation at the design discharge. This is done by comparing the inlet control headwater elevation against the outlet control headwater elevation and selecting the higher value. For additional information, see HDS 5.

5.2.4.1 Inlet Control

In inlet control, the discharge capacity of a culvert is controlled by the conditions at the culvert entrance. Inlet control generally occurs when the culvert opening is not capable of accepting as much flow as the culvert barrel is able to convey. Flow passes through critical depth shortly after entering the culvert, becoming high-velocity, shallow (supercritical) flow in the culvert. Under inlet control, the cross-sectional area of the culvert opening, the inlet shape, entrance configuration (projecting, headwalls, wingwalls) and depth of the headwater at the entrance are of primary importance. Hydraulic characteristics downstream of the inlet control section do not affect the culvert capacity. The efficiency of the culvert inlet can be enhanced by beveling or tapering the opening (see Section 5.2.11, Culvert Inlet Configurations and HDS 5).

Figure 5-1. Example Inlet Control Flow Condition



5.2.4.2 Outlet Control

In outlet control, the discharge capacity of a culvert is controlled by the barrel exit or downstream conditions. Outlet control generally occurs when the culvert barrel is not capable of conveying as much flow as the inlet opening will accept. Water flows through the culvert as low-velocity, deep (subcritical) flow, or pressure flow. The culvert may flow completely or partially full. Under outlet control, in addition to the parameters affecting inlet control, the barrel slope, length, and roughness are important. Also of importance is the tailwater elevation of the outlet.

Figure 5-2. Typical Outlet Control Flow Conditions

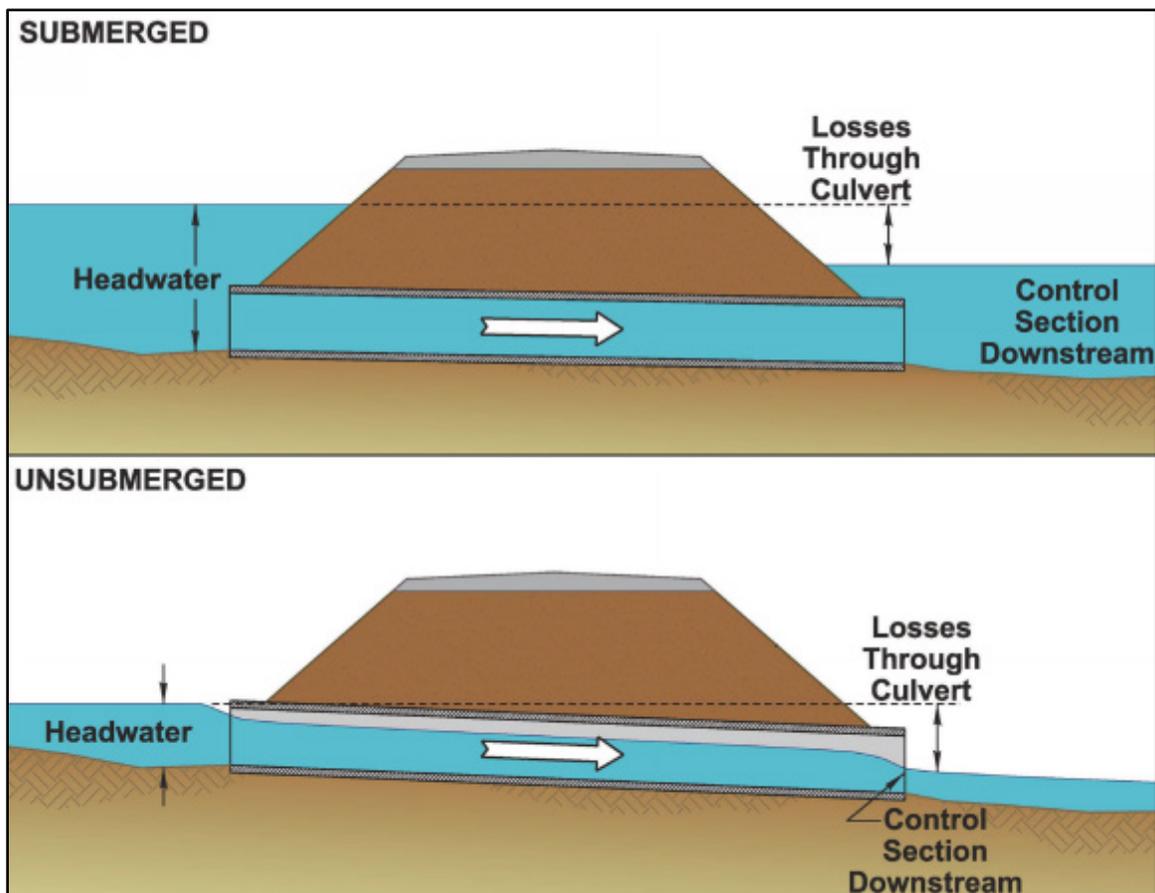


Table 5-1 summarizes factors affecting inlet and outlet control conditions at a culvert.

Table 5-1. Factors Affecting Inlet and Outlet Control

Inlet Control	Outlet Control
Headwater Depth	Headwater Depth Tailwater Depth
Inlet Edge Cross Sectional Area Shape	Inlet Edge Cross Sectional Area Shape
n/a	Slope Length Roughness

5.2.5 Culvert Shape, Cross Section, and Material

Culvert type selection includes the shape and cross section, choice of materials, and number of culvert barrels or spans. The following shapes and cross sections are acceptable for culverts:

- Circular: Most common; standard lengths and strength classes are available.
- Pipe Arch and Elliptical: Typically used where cover is limited.
- Box or Rectangle: Typically used for larger culverts where pipes are not adequate. A longer construction time is required for cast-in-place construction; precast construction may be considered.

Table 5-2 shows equivalent pipe cross sections.

Table 5-2. Equivalent Pipe Cross Sections

Circular Pipe		Concrete Pipe Horizontal – Elliptical			Concrete Pipe Arch			Corrugated Metal Pipe Arch (2 2/3 in x 1/2 in)		
Diameter (in)	Area (ft ²)	Span (in)	Rise (in)	Area (ft ²)	Span (in)	Rise (in)	Area (ft ²)	Span (in)	Rise (in)	Area (ft ²)
15	1.23	—	—	—	—	—	—	—	—	—
18	1.77	23	14	1.84	22	13 1/2	1.6	—	—	—
21	2.41	—	—	—	—	—	—	25	16	2.16
24	3.14	30	19	3.28	28 1/2	18	2.8	29	18	2.83
27	3.98	34	22	4.14	—	—	—	—	—	—
30	4.91	38	24	5.12	36 1/4	22 1/2	4.4	36	22	4.42
33	5.94	42	27	6.31	—	—	—	—	—	—
36	7.07	45	29	7.37	43 3/4	26 5/8	6.4	43	27	6.36
42	9.62	53	34	10.21	51 1/8	31 5/16	8.8	50	31	8.65
48	12.57	60	38	12.92	58 1/2	36	11.4	58	36	11.30
54	15.90	68	43	16.6	65	40	14.3	65	40	14.34
60	19.64	76	48	20.5	73	45	17.7	72	44	17.7
66	23.76	83	53	24.8	88	54	25.6	—	—	—
72	28.27	91	58	29.5	—	—	—	—	—	—

Allowable materials for culverts, most commonly reinforced concrete, smooth or corrugated metal, and smooth or corrugated PVC or HDPE, can be found in the City's Standard Specifications.

5.2.6 Velocity

A minimum velocity of 2 feet per second should be maintained in the culvert to preclude settlement of silts and other solids. Velocities greater than 10 feet per second should be avoided when possible. See Chapter 6 of this manual for energy dissipation measures for outlet velocities greater than 10 feet per second.

5.2.7 Culvert Sizes

Culvert sizes will be determined in accordance with the charts and methods contained in HDS 5 or from computer programs based on HDS 5, such as FHWA's HY-8 culvert analysis program. Minimum culvert sizes shall be as follows:

- 18-inch pipes for roadways
- 15-inch pipes for driveways
- 4-feet by 4-feet for box culverts

5.2.8 Manning's *n* Values

The recommended Manning's *n* value for design purposes when using corrugated pipe is 0.024. The recommended Manning's *n* value for smooth interior pipes is 0.012. When it is necessary to determine the true magnitude of the pipe outlet flow velocity, designers should use the actual Manning's *n* value recommended by the manufacturer to perform computations. When both corrugated and smooth pipe are selected as options, the designer shall use a Manning's *n* value of 0.024. A Manning's *n* value of 0.012 shall be used when only smooth interior pipe is specified.

5.2.9 Length, Slope, and Alignment

Since the capacity of culverts in outlet control will be affected by the length of the culvert, their length should be kept to a minimum and existing facilities shall not be extended without determining the decrease in capacity that may occur. In addition, the culvert length and slope should be chosen to generally match existing topography.

To the degree practicable, the culvert invert should be aligned with the channel bottom and the skew angle of the stream. The culvert entrance should fit with the geometry of the roadway embankment. Culvert skews shall not exceed 45 degrees as measured from a line perpendicular to the roadway centerline without approval of the City.

5.2.10 Multiple Barrels and Spans

In the case of box culverts, it is usually more economical to use a multiple span structure than a wide single span, due to a reduction in the thickness of the top slab. In some locations, multiple spans tend to catch debris and clog the waterway. They are also susceptible to ice jams and the deposition of silt in one or more spans. Alignment of the culvert face normal to the approach flow and installation of debris control structures can help to alleviate these problems.

In the case of pipe culverts, multiple pipe installations often exhibit settlement after construction. Use of multiple pipes should be avoided whenever possible. However, if multiple pipes are used, sufficient space between pipes must be provided to allow proper backfill and compaction to eliminate the settlement problem. Multiple pipe installations should desirably have 5 feet or greater clearance from outside of

pipe to outside of pipe. Backfill material for the minimum clear spacing of one foot shall be flowable fill. Proper indigenous soils may be used for backfill material where spacing is greater than 5 feet.

Headwalls are preferred to flared end sections for multiple pipe installations where the headwall does not present an obstacle, (e.g., is outside the clear zone). Flared end sections are also available that permit one foot minimum clear spacing between pipes.

5.2.11 End Treatments

Flared end sections are preferred over a headwall for single pipe culverts from a safety standpoint and shall be used whenever feasible. The material of the flared end section generally shall match the pipe material unless plastic pipe is used, which requires a metal flared end section. Flared end sections may prove to be unsatisfactory for skewed culverts with low fills and the use of a headwall may be necessary. Installation of flared end sections on multiple pipe installations is preferred over cast-in-place concrete headwalls within the clear zone.

Headwalls may be used for:

- Multiple pipe installations.
- Culverts with skews of 30° or more.
- Culverts with slopes too steep for flared end sections.
- Broken-back culverts where the possibility of slippage exists (e.g., drop pipes in backslopes).

Headwalls with a deeper footing are needed for culverts placed on steep grades or in areas of potential head cutting.

5.2.12 Culvert Inlet Configurations

The culvert inlet configuration is the cross-sectional area and shape of the culvert face and the type of inlet edge. When a culvert operates in inlet control, headwater depth and the inlet configuration determine the culvert capacity and the culvert barrel usually flows only partially full. Inlet geometry refinements or inlet improvements can be used to reduce the contraction losses at the inlet and to increase the capacity of the culvert without increasing the headwater depth.

Culverts operating in outlet control usually flow full at the design flow rate. Therefore, inlet improvements on these culverts only reduce the entrance loss coefficient, which results in only a small decrease in the required headwater elevation.

Common conventional culvert inlets include projecting inlets, groove-end projecting inlets, square-edge inlets in a headwall with wingwalls, mitered inlets with slope paving and flared end inlets. Recommended entrance loss coefficients for inlets can be found in Table 5-2.

Table 5-3. Entrance Loss Coefficients, Outlet Control

Type of Structure and Design of Entrance		Coefficient, K_e
Pipe, Concrete	Projecting from Fill, Socket End (Groove-end)	0.2
	Project from Fill, Square Cut End	0.5
	Headwall or Headwall and Wingwalls	
	Socket End (Groove-End)	0.2
	Square-edge	0.5
	Rounded (Radius = $D/12$)	0.2
	Mitered to Conform to Fill Slope	0.7
	*Flared End Section Conforming to Fill Slope	0.5
	Beveled Edges, 33.7° or 45° Bevels	0.2
	Side- or Slope-tapered Inlets	0.2
Pipe or Pipe-Arch, Corrugated Metal	Projecting from Fill	0.9
	Headwall or Headwall and Wingwalls, Square-edge	0.5
	Mitered to Conform to Fill Slope, Paved or Unpaved	0.7
	*Flared End Section Conforming to Fill Slope	0.5
	Beveled Edges, 33.7° or 45° Bevels	0.2
	Side- or Slope-Tapered Inlet	0.2
Box, Reinforced Concrete	Headwall Parallel to Embankment (No Wingwalls)	
	Square-edge on 3 Edges	0.5
	Rounded on 3 Edges to Radius of $D/12$ or $B/12$ or Beveled Edge on 3 Sides	0.2
	Wingwalls at 30° to 75° to Barrel	
	Square-edge at Crown	0.4
	Crown Edge Rounded to Radius of $D/12$ or Beveled	0.2
	Wingwalls at 10° to 25° to Barrel, Squared-edge at Crown	0.5
	Wingwalls Parallel (Extension of Sides)	
	Square-edge at Crown	0.7
Side- or Slope-tapered Inlet	0.2	

*Note: Flared end sections conforming to fill slope, made of either metal or concrete, are the section commonly available from manufacturers. From limited hydraulic tests, they are equivalent in operation to a headwall in both inlet and outlet control. Some flared end sections incorporating a closed taper in their design have a superior hydraulic performance. These latter sections can be designed using the information given for the beveled inlet.

5.2.12.1 Improved Inlets

Even though the construction of an improved inlet will increase the labor and material costs for the inlet portion of a new culvert, a substantial savings may be attained by a reduction in the size of the barrel that represents the major portion of the structure. Improved inlets may also be installed on existing culverts with inadequate flow capacity, thus avoiding the replacement of the entire structure or the addition of a new parallel structure. The greatest savings usually result from the use of improved inlets on culverts with long barrels. Short barrels, however, should also be checked, especially when an improved inlet might increase the capacity sufficiently to avoid replacement of an existing structure.

Improved inlets include bevel-edged, side-tapered, and slope-tapered inlets. Additional information and design procedures for improved inlets can be found in HDS 5.

5.2.13 Broken-back Culverts

Abrupt changes in slope or direction are not typically desirable from a maintenance and construction standpoint. However, at locations where the inlet is substantially higher than the outlet, culverts referred to as “broken-back” (with either one or two breaks in the vertical alignment), are commonly constructed to effectively control the drop in flow line and the outlet velocity.

Figure 5-3. Single Broken-back Culvert

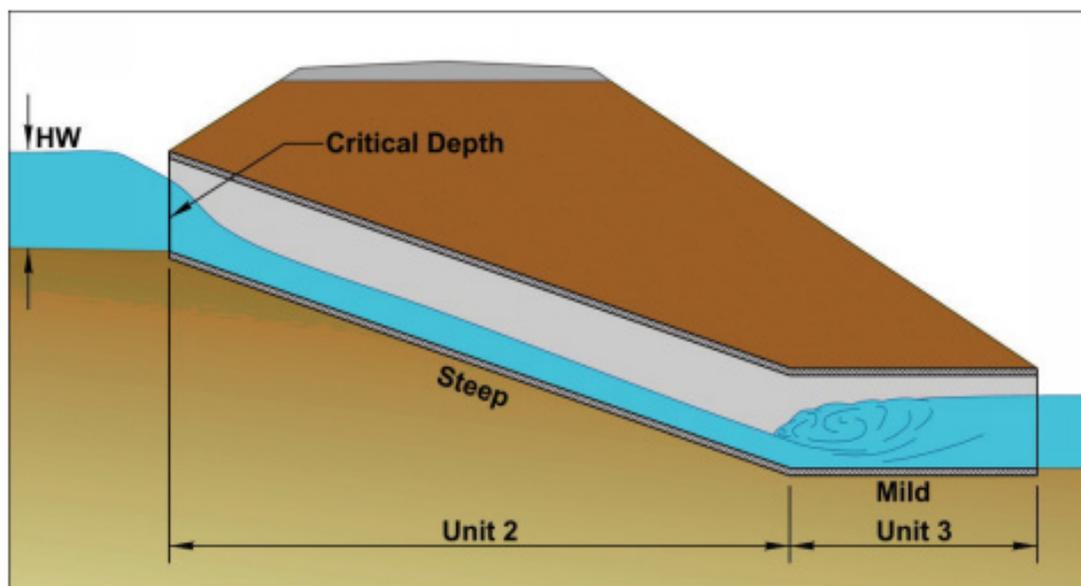
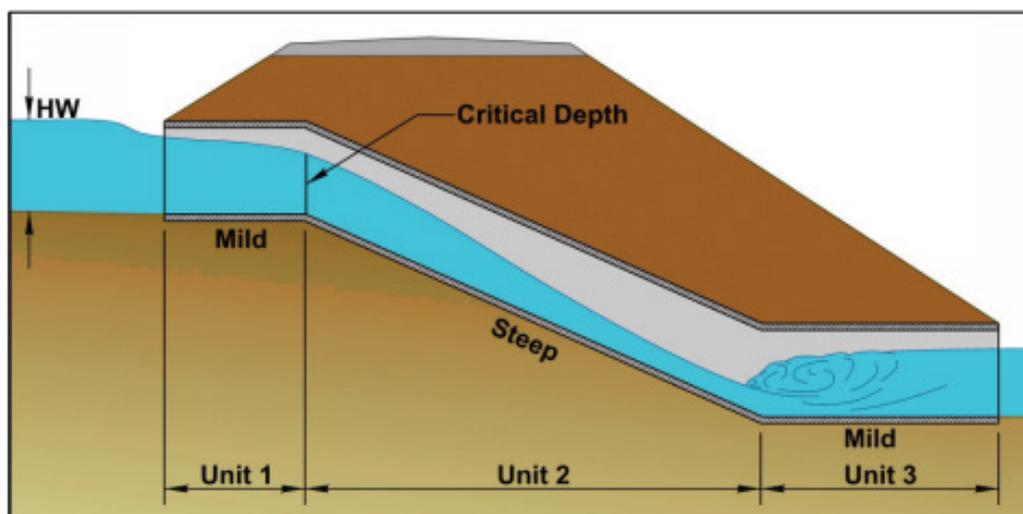


Figure 5-4. Double Broken-back Culvert



The total hydraulic performance of these culverts is difficult to analyze without the aid of a computer program written for such a purpose. The hydraulics of circular and rectangular broken-back culverts can be analyzed using the FHWA HY-8 software or the Broken-back Culvert Analysis Program (BCAP) software from the Nebraska Department of Transportation.

Many broken-back culverts are constructed to control head cut erosion, when there is great differential between the inlet and outlet elevations. In broken-back culverts, velocity of flow is greatest at the lower break due to acceleration in the steeply sloped segment; however, subcritical flow is desirable at the culvert outlet to reduce the erosive potential of the flow as it exits the culvert. A hydraulic jump will occur within a broken-back culvert when there is sufficient roughness within the culvert barrel, sufficient tailwater at the outlet, or both. It is often advantageous to specify corrugated interior pipes for these culverts to help reduce velocity between the lower break point and the culvert outlet. In many cases, HY-8 or BCAP can be used to optimize the length of the outlet section and provide for velocity reduction between the lower break point and the culvert outlet.

5.2.14 Debris Control

The need for debris control should be considered for each culvert, but in general, debris control shall not be used on entrances for culverts unless approved by the City and should never be installed at the outlet of a culvert. Upstream property management is generally preferred over a debris control structure. See HDS 5 for design of debris control structures.

5.2.15 Anchorage

Anchorage at the culvert entrance or at the outlet of the culvert may be necessary for the following:

- Protect the inlet and especially the outlet from undermining by scour.
- Protect against buoyant forces or uplift.
- Protect against separation of concrete pipe joints.

End anchorage can be in the form of headwalls, slope paving, or piling. These techniques protect the slope from scour and preclude undermining of the culvert end. The culvert barrel, however, must be anchored to the end treatment to be effective.

Buoyant forces are produced when the pressure outside the culvert is greater than the pressure in the barrel. This condition can occur in a culvert in inlet control with a submerged upstream end and in culverts placed in areas of high groundwater.

Culvert ends projected through levees are also susceptible to failure from buoyant forces if flap gates are used on the end. Generally, flexible barrel materials are most vulnerable to this type of failure because of their light weight and lack of resistance to longitudinal bending. Installation of headwalls and wingwalls will increase the dead load on the end of the culvert and protect it from uplift.

Rigid concrete pipe susceptible to separation of the pipe joints can be protected by installation of pipe couplers.

5.2.16 Fill Heights and Loading Requirements

Fill height over a culvert determines the amount of dead or live loads imposed on the culvert structure. Minimum fill height is defined as the vertical fill distance measured from the top of the conduit to the bottom of the pavement or the shoulder surface at its lowest point. Maximum fill height is defined as the vertical distance measured from the top of the conduit to the top of the pavement at its highest. Minimum fill height for all culverts is one foot.

All culverts shall be designed, as a minimum, for HS20 live load with the appropriate impact factor and dead load. Dead load shall be based on the depth of earth cover plus pavement above the top of the culvert.

5.2.17 Storage Routing

A significant storage capacity behind a roadway embankment may attenuate a flood hydrograph. Because of the reduction of the peak discharge associated with such attenuation, the required capacity of the culvert, and its size, may be reduced. If significant storage is anticipated behind a culvert, the design may be checked by routing the design hydrographs through the culvert to determine the discharge and stage behind the culvert. If credit for storage attenuation is taken during culvert design, the facility should be designed as a storage facility according to Chapter 7 of this Manual and measures should be taken to ensure the area inundated by floodwater is not encroached upon in the future. Additional routing procedures are also outlined in HDS 5. No roadway embankment shall be designed as a storage facility without prior approval of the City.

5.3 References

- City of Lincoln Public Works and Utilities Department, 2000. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2012. *Hydraulic Design Series Number 5, Third Edition, Hydraulic Design of Highway Culverts*.
- Nebraska Department of Transportation, 2006. *Drainage Design and Erosion Control Manual*.

6. ENERGY DISSIPATION

6.1 Overview

The failure or damage of many culverts, storm sewer outfalls, and detention basin outlet structures can be traced to unchecked erosion and scour. When the outlet velocity from a culvert or storm sewer outfall cannot be reduced to acceptable levels by other means, the flow energy should be dissipated before the discharge is returned to the downstream channel. Prior to designing an energy dissipator, the designer should try to reduce outlet velocity of the culvert by:

- Choosing gentler slopes, if possible.
- Installing a “soil saver” or depressed inlet end section at the inlet and lowering the slope of the culvert.
- Designing a broken back culvert with a flat outlet section (See Chapter 5: Design of Culverts for more information on culvert design).
- Installing a drop manhole at the last manhole upstream of the storm sewer outfall.

6.2 Design Criteria

An energy dissipator should be constructed when the outlet velocity of a culvert exceeds the values shown in Table 6-1. The flood frequency used in the design of the energy dissipator shall be the same flood frequency used for the culvert or storm sewer design.

Table 6-1. Requirements for Energy Dissipation

Design Flow Outlet Velocity	Energy Dissipation Requirement
Less than 8 ft/sec	Not Required
8 to 10 ft/sec	Evaluate on a Case-by-Case Basis
Greater than 10 ft/sec	Required

6.2.1 Dissipator Type Selection

The dissipator type selected for a site must be appropriate to the location. In this chapter, the terms “internal” and “external” are used to indicate the location of the dissipator in relationship to the culvert. An internal dissipator is located within the culvert barrel, and an external dissipator is located outside the culvert. For internal energy dissipation, the hydraulic jump occurs within the culvert barrel; for external energy dissipation, the hydraulic jump occurs outside the barrel.

For many designs, the following external energy dissipators provide sufficient protection at a reasonable cost and can be used when the following outlet conditions exist. Design procedures for these and other energy dissipators can be found in the most recent edition of Hydraulic Engineering Circular No. 14: Hydraulic Design of Energy Dissipators for Culverts and Channels (HEC 14).

- Riprap Apron
 - A riprap apron consists of riprap placed at the outlet of a drainage structure and reduces velocity by increasing the roughness of the outlet channel. Riprap aprons may be applicable if the outlet Froude number is 2.5 or lower. Refer to Chapter 4 Open Channels for a discussion of the Froude number. In general, riprap aprons prove economical for transitions from stormwater conveyance facilities to overland sheet flow at terminal outlets but may also be used for transitions from conveyance outlets to stable channel sections. Riprap aprons are typically used for storm sewer or culverts up to 60 inches in diameter. Stability of the surface at the termination of the apron needs to be considered.

- Riprap Basin (or Pre-formed Scour Hole)
 - A riprap basin or preformed scour hole is an excavated hole or depression that is lined with riprap of a stable size and designed to prevent scouring at a culvert outlet. The depression provides both a vertical and lateral expansion of the flow and a temporary stilling pool at the culvert outlet. The depth of the depression for the preformed scour hole is based on the flow velocity and depth at the culvert outlet, and the size of the riprap used to line the depression. A riprap basin may be applicable if the outlet Froude number is 3.0 or lower. Refer to Chapter 4 Open Channels for a discussion of the Froude number. Riprap basins are generally used for transitions from pipe outlets to stable channels. Since they function by creating a hydraulic jump to dissipate energy, their design is impacted by tailwater conditions.
- USBR Type VI Impact Basin
 - The U.S. Bureau of Reclamation (USBR) Type VI impact basin is contained in a relatively small box-like structure that dissipates energy through impact and turbulence and requires no tailwater for successful performance. Although the emphasis in this manual is on its use at culvert outlets, the structure may also be used in open channels. Type VI Impact Basins may be used for outlet flow rates as high as 400 cubic feet per second and velocities as high as 50 feet per second. Impact basins may be used at both terminal outlet and channel outlet transitions.

6.2.2 Design Limitations

6.2.2.1 Ice Buildup

If ice buildup within a culvert pipe or a box culvert is a factor, it shall be mitigated by sizing the structure to not obstruct the winter low flow and by using external dissipators.

6.2.2.2 Debris Control

Design and installation of debris control, consistent with the guidance of the most recent edition of Hydraulic Engineering Circular No. 9: Debris Control Structures (HEC 9), shall be considered where clean-out access is limited and if the dissipator type selected cannot pass debris.

6.2.2.3 Tailwater Relationship

The hydraulic conditions downstream shall be evaluated to determine a tailwater depth and the maximum velocity for a range of discharges according to Chapter 4: Open Channels. Tailwater depths at a lake, a pond or a large water body shall be evaluated using the high-water elevations that have the same frequency as the design storms for the conveyance outlet.

6.2.3 Design Options

6.2.3.1 Material Selection

The material selected for the dissipator shall be based on a comparison of the total cost over the design life of alternate materials and shall not be made using first cost as the only criteria. This comparison shall consider replacement cost and the difficulty of construction as well as traffic delay.

6.2.3.2 Pipe Outlet Type

In choosing a dissipator, the selected pipe end treatment has the following implications:

- Pipe ends that are projecting or mitered to the fill slope offer no outlet protection.
- Headwalls provide embankment stability and erosion protection. They provide protection from buoyancy and reduce damage to the culvert.
- Commercial end sections add little cost and may require less maintenance, retard embankment erosion, and incur less damage from maintenance.
- Concrete aprons do not reduce outlet velocity; if used, they should not protrude above the normal streambed elevation.
- Wingwalls are used where the side slopes of the channel are unstable, where an outlet is skewed to the normal channel flow, to redirect outlet velocity or to retain fill.

6.2.3.3 Safety Considerations.

Traffic shall be protected from external energy dissipators by locating them outside the appropriate “clear zone” distance per the AASHTO Roadside Design Guide or shielding them with a traffic barrier. Protection of the general public (children, bicyclists, skaters, etc.) should also be carefully considered whenever energy dissipators are located in or near parks or other public places.

6.2.3.4 Weep Holes

If weep holes are used to relieve uplift pressure, they shall be designed in a manner similar to underdrain systems.

6.2.4 Related Designs

6.2.4.1 Culverts and Storm Sewer

Culverts and storm sewer shall be designed independently of the dissipator design. The design shall be completed before the outlet protection is designed and shall include computation of outlet velocity.

6.2.4.2 Downstream Channel

Necessary downstream channel protection shall be designed concurrently with dissipator design. A channel that will receive flow from a stormwater outfall or energy dissipator that is to be installed should be analyzed and, if necessary to be stable, designed and stabilized for the distance that it may be affected by the installation of the outfall.

6.3 Design Procedures

Design procedures for energy dissipators described in this chapter, as well as additional energy dissipators, can be found in the most recent edition of HEC 14: Hydraulic Design of Energy Dissipators for Culverts and Channels.

The computer software HY-8 from the Federal Highway Administration contains an energy dissipator module that can be used to analyze most types of energy dissipators described in HEC 14.

6.4 References

- City of Lincoln Public Works and Utilities Department, 2004. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2005. *Hydraulic Engineering Circular No. 9, Third Edition, Debris Control Structures Evaluation and Countermeasures*.
- Federal Highway Administration, 2006. *Hydraulic Engineering Circular No. 14, Third Edition, Hydraulic Design of Energy Dissipators for Culverts and Channels*.
- Nebraska Department of Transportation, 2006. *Drainage and Erosion Control Manual*.

7. STORAGE FACILITIES

7.1 Overview

As communities grow and change through new construction, development or redevelopment, modifications in land use can affect the amounts of permeable and impermeable surfacing in a drainage basin. Increases in impermeable surface areas from roofs or pavement in streets and parking lots, for example, can affect the rate of stormwater runoff. New construction or reconstruction in a basin often increases the amount of impermeable surfacing in the basin and also peak flow downstream. These increased flows may overwhelm an existing downstream storm sewer system or cause downstream flooding.

In addition to reducing or maintaining downstream peak flows, storage of stormwater runoff provides a water quality benefit as well. Slowing and temporarily storing runoff can allow sediment and other pollutants to settle out before being discharged to a stream or other water feature.

Storage facilities can range in size from small facilities contained in parking lots or other on-site facilities to large regional facilities, lakes, and reservoirs. Unless the master planning process or regional analysis has shown that the detention requirements can be transferred to a regional facility approved by the City, on-site storage facilities to maintain or reduce existing peak flows are required. Any approved transfer or combining of detention requirements must occur within the same watershed as defined by the City's master plan. Even if detention requirements can be transferred to a regional facility, on-site facilities may still be necessary to maintain receiving stream channel stability, maintenance, and water quality.

The location of storage facilities must be carefully considered. The designer must keep in mind how the facility controls runoff within a defined basin as well as its effect on other drainage features and infrastructure within the larger urban environment. Consideration may also be given to larger stormwater storage basins being multi-use facilities. Some basins may function as sports fields when dry or ponds for parks and urban areas if they are designed to maintain a permanent pool of water.

In addition to guidance outlined in the following sections, methods and procedures for design of stormwater detention facilities can be found in Hydraulic Engineering Circular No. 22, Urban Drainage Design Manual.

7.2 Detention and Retention

Stormwater storage facilities may be referred to as detention facilities or retention facilities. Detention basins are stormwater runoff storage facilities that usually have a dry bottom except during and for a temporary period after a storm event. A detention basin may be a swale, ditch, dry pond, hard-surfaced basin, or underground facility.

Retention basins are stormwater runoff storage facilities that have a permanent pool of water and have capacity to store additional runoff when required. Retention basins are often ponds or small lakes.

Some stormwater storage basins function as water quality sedimentation basins to separate pollutants, suspended solids, and debris from stormwater. Sedimentation basins can be incorporated into the design of detention or retention basins. Chapter 8 of this manual provides guidance on sedimentation basins.

Since design principles are primarily the same for detention and retention basins, the term "storage facilities" in this manual will refer to both. The specific terms "detention" or "retention" will be used in the case where one or the other is specifically indicated.

7.2.1 Computer Programs

Routing calculations for design of storage facilities can be time-consuming and repetitive. To assist with these calculations, reservoir routing computer programs such as Hydraflow Hydrographs or the U.S. Army Corps of Engineers HEC-HMS are available. Storage facilities shall be designed and analyzed using the NRCS Curve Number method for inflow hydrograph development and Storage Indication or modified Puls method for reservoir routing calculations.

7.2.2 Plan Review

If required, the owner shall submit storage facility construction plans to the Nebraska Department of Natural Resources (NeDNR) for approval. See Section 7.5 for dam classification and requirements.

Plan submittal to the City for review and approval shall include:

- Supporting calculations for hydrologic and hydraulic analysis and design. At a minimum, supporting calculations shall include design storm inflow and outflow hydrographs, stage-storage-discharge curves, and cumulative inflow and outflow elevation curves for the design storms.
- Appropriate soil investigation (i.e., suitability for water storage, settlement potential, slope stability, and influence of groundwater) for the structure hazard classification.
- Construction plans for storage, including the outlet structure.

At the end of construction, a licensed surveyor or engineer shall submit a separate written statement to the City documenting that the grading and construction of storage facilities has been completed in conformance with the approved construction plans.

7.2.3 Ownership and Maintenance of Storage Facilities

Storage facilities in a development, along with all inlet and outlet structures and/or channels, are to be owned and maintained by the developer or a property-owners' association unless the City has approved an alternative ownership/maintenance arrangement. Because the downstream storm sewer drainage system will be designed assuming detention storage upstream, a storage facility in the storm sewer drainage system shall remain permanently functional as a storage facility site unless or until the City relieves the owner of such responsibility in writing. Documentation of the storage facility and owner maintenance responsibility will be made in permanent records such as a plat, agreement, or other record acceptable to the City.

7.3 Design Criteria

7.3.1 General Criteria

As described in Section 7.1, storage of stormwater runoff may be concentrated in regional facilities or distributed in on-site facilities throughout an urban drainage system. Regardless of their location, storage facilities shall be designed to attenuate the post-project runoff peak flow rate so that it is equal to or less than the existing 2-year, 10-year, and 100-year peak flow rates of the project. When storage of stormwater runoff is required, detention facilities should be used to attenuate the peak flow rate from developed areas. Retention may be considered case by case with prior approval by the City. The design criteria for storage facilities shall include the following:

- Release rate
- Grading and depth
- Location and downstream analysis
- Storage volume
- Outlet works

7.3.2 Release Rate

Release rates from the outlet of a storage facility shall be such that the runoff peak flow rate at the downstream property line or downstream limit of a proposed project is equal to or less than the existing peak flow rate for the 2-year, 10-year, and 100-year discharges. Upon meeting these criteria, runoff from intermediate storm return periods can be assumed to be adequately controlled.

7.3.3 Storage Volume

The storage volume of a facility shall be adequate to attenuate the runoff peak flow rate at the downstream property line or downstream limit of the proposed project so that it is equal to or less than the existing peak flow rate for the 2-year, 10-year, and 100-year storms. Routing calculations must be provided to demonstrate that the storage volume is adequate. If the storage facility will also be used for water quality, the storage volume required to attenuate the runoff peak flow rate shall be provided in addition to the water quality control volume (WQCV). See Chapter 9 of this manual for additional information on treatment of the WQCV. If sedimentation during construction causes loss of storage volume, design dimensions shall be restored before completion of the project.

7.3.4 Grading and Depth

Storage facilities shall be designed and constructed to meet the following grading and depth criteria.

- Side slopes shall be no steeper than 4:1 (horizontal to vertical).
- The top width of any embankment shall be no narrower than 14 feet.
- Traversable vehicle access for maintenance purposes shall be provided from public right-of-way.
- The bottom area of storage facilities shall be sloped at a minimum of 1% to a centralized low flow channel. The low flow channel shall be sloped at a minimum of 0.5% from the inlet to the outlet of the storage facility.
- Storage facilities that fall under the jurisdiction of the Nebraska Dam Safety Program shall be reviewed and permitted by NeDNR.

7.3.5 Outlet Works

Outlet works selected for storage facilities shall include a principal spillway and an emergency overflow. The discharge from a principal spillway must be released in a nonerosive manner and can be controlled through a combination of drop inlets, pipes, weirs, orifices, chutes, and channels. Slotted-riser-pipe outlets are sometimes used (typically for water quality treatment) but may be prone to clogging problems if not properly designed and protected. Storage facilities shall be designed to pass all required design storms without allowing flow to enter the emergency overflow. Outlet works that provide control for a range of stormwater runoff events, including those smaller than the 2-year design storm, are preferred.

The emergency overflow crest elevation shall be set a minimum of one foot above the maximum water surface elevation for the 100-year design storm being conveyed through the primary spillway. The emergency overflow shall, at minimum, be designed to convey the 100-year discharge with one foot of freeboard above the maximum water surface elevation for the 100-year design storm being conveyed entirely through the emergency overflow. For large storage facilities, selecting a flood magnitude for sizing the emergency overflow shall be consistent with the potential threat to downstream life and property if the basin embankment were to fail. Large storage facilities that fall under the jurisdiction of the Nebraska Dam Safety Program may also have more stringent requirements for the emergency overflow. The emergency overflow for a storage facility shall be armored or protected from erosion to prevent failure of the facility during large events.

Outlet works must operate without requiring attendance or operation. The outlet works for storage facilities shall be designed to drain temporarily stored runoff within 72 hours. If the storage facility will also be used for water quality, minimum time requirements to drain the WQCV from Chapters 8 and 9 of this manual shall be adhered to.

7.3.6 Location and Downstream Analysis

Although storage facilities are designed to control the discharge of stormwater runoff at the outlet works, consideration of the timing of these discharges from the proposed facility and other facilities in the same basin can be critical to the function of the overall stormwater system. The City may require the discharges of the proposed facility to be routed through the downstream stormwater system to ensure that peak discharges from the storage basin do not cause adverse effects downstream.

For developments that discharge directly into or very near major receiving waters (e.g., major rivers), delaying the peak and extending the receding limb of the hydrograph may result in a higher peak on the major drainageway or receiving water. If a routing analysis of the entire drainage basin shows that a storage facility would have adverse effects on the overall stormwater system and all downstream stormwater infrastructure is sized appropriately to convey runoff for the 100-year storm from the proposed project conditions, and all areas in the basin will have similar runoff timing, the City may consider an exemption of these storage facility requirements.

7.4 General Hydraulic Procedure

For the design of storage facilities, a stage-storage-discharge analysis is used, routing the inflow hydrograph through the facility with different basin and outlet geometry until the desired outflow hydrograph is achieved. A general procedure for the design of storage facilities follows. Additional information on this procedure, preliminary storage estimates, detailed hydraulic principles for outlet works, stage/storage and stage/discharge relationships can be found in the most recent edition of the Hydraulic Engineering Circular No. 22: Urban Drainage Design Manual.

1. Compute the inflow hydrograph for stormwater runoff for the 2-year, 10-year, and 100-year design storms using the NRCS Unit Hydrograph method described in Chapter 2: Hydrology. Both existing and post-development hydrographs are required.
2. Perform preliminary calculations to estimate storage requirements for the hydrographs from Step 1.
3. Determine the physical dimensions necessary to hold the estimated storage volume from Step 2, including freeboard. The maximum storage requirement calculated from Step 2 shall be used.
4. Size the outlet works. The estimated peak stage will occur for the estimated volume from Step 2; the outlet works shall be sized to convey the allowable discharge at this stage.
5. Perform routing calculations using inflow hydrographs from Step 1 to check the preliminary design using storage routing equations or an appropriate computer program. If any of the routed post-development runoff peak discharges from the 2-year, 10-year, or 100-year design storms exceed the corresponding existing runoff peak discharges or if the peak stage varies from the estimated peak stage from Step 4, revise the estimated volume and basin geometry and return to Step 3.
6. Design the emergency overflow with established freeboard requirements.
7. Evaluate the downstream effects of storage facility releases to ensure that the routed hydrograph does not cause downstream flooding.
8. Evaluate the outlet works and emergency overflow exit velocities and provide channel and bank stabilization as needed to prevent erosion downstream.

7.5 Safe Dams Act

National responsibility for the promotion and coordination of dam safety lies with the Federal Emergency Management Agency (FEMA). The provisions of the Federal Dam Safety Act are administered by NeDNR through the Nebraska Dam Safety Program.

State of Nebraska regulations define a dam as an artificial barrier with the ability to impound water that a) is 25 feet or greater in height from the maximum storage elevation to the downstream toe of the embankment or b) has a maximum storage volume of 50 acre-feet or more (including surcharge storage). Further information on embankments that may function as a dam should be obtained from NeDNR.

NeDNR classifies dams as indicated below:

- High Hazard Dam: A dam located in areas where failure or misoperation would likely result in the loss of human life. Failure may cause serious damage to homes, industrial or commercial buildings, four-lane highways, or major railroads. Failure may cause shallow flooding of hospitals, nursing homes, or schools.
- Significant Hazard Dam: A dam located in areas where failure or misoperation of the dam would result in no probable loss of human life but could result in major economic loss, environmental damage, or disruption of lifeline facilities. Failure may result in shallow flooding of homes and commercial buildings or damage to main highways, minor railroads, or important public utilities.
- Low Hazard Dam: A dam located in areas where failure would likely result in no probable loss of human life and in low economic loss. Failure may damage storage buildings, agricultural land, and county roads.
- Minimal Hazard Dam: A dam located in areas where failure or misoperation would likely result in no economic loss beyond the cost of the structure itself and losses would be principally limited to the owner's property.

Storage facilities that fall under the jurisdiction of the NeDNR must be designed, reviewed, permitted, and constructed in accordance with the Nebraska Dam Safety Program. An owner proposing a storage facility shall submit documentation of compliance with the Nebraska Dam Safety Program or documentation why the facility does not fall under NDNR jurisdiction.

7.6 Maintenance Considerations

Proper design of storage facilities must take long-term maintenance requirements into account. To provide for acceptable performance and function, storage facilities shall be designed to minimize maintenance problems typical of urban detention facilities and address:

- Weed growth
- Sedimentation control and removal
- Protection from blockage of outlet structures
- Litter accumulation
- Maintenance vehicle access
- Grass and vegetation overgrowth
- Bank stabilization
- Provisions for outlet structures allowing complete drainage of retention basins for maintenance or inspection
- Maintenance of fences and perimeter plantings

7.7 Protective Treatment

Protective treatment may be required to prevent entry to facilities that present a hazard to children or others. Fences and/or a safety bench may be required where one or more of the following conditions exist:

- Rapid stage increases would limit possibility of escape.
- Water depths either exceed 2.5 ft for more than 24 hours or are permanently wet.
- Large and/or deep facilities.
- A low-flow watercourse or ditch passing through the detention area has a depth greater than 5 feet or a flow velocity greater than 5 feet per second.

In some cases, it may be advisable to fence the watercourse or ditch rather than the detention area. Fencing should be considered for normally dry storage facilities with design depths in excess of 2.5 ft for 24 hours, unless the area is within a fenced, limited access facility.

7.8 Trash Racks and Safety Grates

Trash racks and safety grates may be required for large storage facilities. Trash racks trap large debris well away from the entrance to the outlet works so that they will not clog the critical portions of the outlet. They also trap debris in such a way that simplifies removal. Well-designed trash racks serve these purposes without interfering significantly with the hydraulic capacity of the system.

Safety grates at inlets keep people and large animals out of confined conveyance structures. Their use should be evaluated, along with hydraulic forces and clogging potential, to assure that effective flow is maintained. Grating should not be installed at the outlet of a confined conveyance structure as it may cause clogging or hamper rescue efforts.

Further information on trash racks and safety grates can be found in the Mile High Flood District's *Urban Storm Drainage Criteria Manual*.

7.9 References

- City of Lincoln Public Works and Utilities Department, 2004. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Federal Highway Administration, 2009. *Hydraulic Engineering Circular No. 22, Third Edition, Urban Drainage Design Manual*.
- Nebraska Department of Transportation, 2006. *Drainage and Erosion Control Manual*.
- Mile High Flood District (formerly the Urban Drainage Flood Control District), 2016. *Urban Storm Drainage Criteria Manual*.

8. EROSION AND SEDIMENT CONTROL

8.1 Purpose and Scope

This chapter provides criteria for measures that should be taken for construction site stormwater discharges to meet the requirements of the Federal Clean Water Act, the Nebraska Environmental Protection Act, and City ordinances adopted to meet state and federal requirements. Through implementation of the guidelines in this chapter, including development of a Stormwater Pollution Prevention Plan (SWPPP), adverse water quality impacts associated with erosion and sedimentation can be prevented or minimized.

Requirements for Construction Activity SWPPPs are in Section 8.2. The remainder of this chapter embodies a range of guidelines, criteria, and alternatives for meeting the preparation and implementation requirements of the SWPPP. Section 8.3 covers SWPPP Design Considerations and Best Management Practice (BMP) selection. Section 8.4 addresses Erosion and Sediment Control BMP, and Section 8.5 addresses Good Housekeeping BMPs.

The guidelines in this section are consistent with *National Pollutant Discharge Elimination System (NPDES) General Permit Number NER160000 for Stormwater Discharges from Construction Sites to Waters of the State of Nebraska* (issued September 30, 2016).

8.1.1 General Information for SWPPPs

A SWPPP is more than just a sediment and erosion control plan. It is a comprehensive, written document that describes the pollution prevention practices and activities that will be used during each phase of construction. It describes the site and each major phase of the planned activity, the roles and responsibilities of contractors, and the inspection schedules and logs. It is also a place to document changes and modifications to the construction plans and associated stormwater pollution prevention activities.

1. The SWPPP must be implemented either prior to or concurrent with the initiation of construction activity. SWPPP activities must be maintained throughout the period construction activities are ongoing until final site stabilization is achieved. A current and updated copy of the SWPPP must be retained at the construction site where the construction is being performed or other nearby location easily accessible during normal business hours. Persons and/or subcontractors responsible for carrying out duties pursuant to the SWPPP must be properly trained and informed of their responsibilities.
2. The SWPPP shall be dynamic. If deficiencies in the plan arise during the project or differing site conditions warrant, the applicant must implement effective corrective actions that may require modification of the SWPPP.
3. The City may require modification of the SWPPP:
 - a. If it is not effective in minimizing erosion or the release of stormwater pollutants from the site.
 - b. If more effective procedures are available and practical.
 - c. If previous experience has shown the control methods specified have proven to be inadequate in similar circumstances.
 - d. To meet basin specific NDEE water quality requirements or goals.
 - e. To correspond to changes in the development plan for the site.
 - f. In the event of repetitive failure to adequately maintain practices.

8.1.2 Common SWPPP Objectives

For a SWPPP to be effective, it must be developed in the project planning stage and effectively applied during construction. In most cases, the most practical method of controlling erosion and the associated production and transport of sediment includes a combination of limited time of soil exposure and judicious selection of erosion control practices and sediment trapping facilities. The SWPPP should be prepared to meet the following objectives:

1. Minimize the extent and the duration of soil exposure and minimize offsite impacts to waterbodies and adjoining properties. The duration of soil exposure can be minimized through construction phasing, prompt revegetation and mulching. Grading should be completed as soon as possible and followed by permanent revegetation. As cut slopes are made and as fill slopes are brought up to grade, these areas should be revegetated. Minimizing grading of large or critical areas during the seasons of maximum erosion potential (April through September) reduces the risk of erosion.
2. Apply erosion control practices to prevent excessive sediment production. Keep soil covered to the extent practicable with temporary or permanent vegetation or mulch. Special grading methods such as roughening a slope on the contour or tracking with a cleated dozer may be used. Other practices include diversion structures to divert surface runoff from exposed soils and grade stabilization structures to control surface water. "Gross" erosion in the form of gullies must be prevented by these water control devices.
3. Apply perimeter sediment control practices to protect the disturbed area from offsite runoff and to prevent sedimentation damage to areas below the construction site. This principle relates to using practices that effectively isolate the construction site from surrounding properties and especially to controlling sediment once it is produced and preventing its transport from the site. Generally, sediment can be retained by two methods: (a) filtering runoff as it flows through an area and (b) impounding the sediment-laden runoff for a period of time so that the soil particles settle out. Diversions, dikes, sediment traps, vegetative and structural sediment control measures can be used to control sediment. These measures may be temporary or permanent, depending on whether they will remain in use after construction is complete. The best way to control sediment, however, is to prevent erosion.
4. Keep runoff velocities low and retain runoff on the site. The removal of existing vegetative cover and the resulting increase in impermeable surface area during construction will increase both the volume and velocity of runoff. These increases must be considered when providing for erosion control. Keeping slope lengths short and gradients low and preserving natural vegetative cover can keep stormwater velocities low and limit erosion hazards. Runoff from the development should be safely conveyed to a stable outlet using storm drains, diversions, stable waterways, or similar measures. Conveyance systems should be designed to withstand the velocities of projected peak discharges. These facilities should be operational as soon as possible.
5. Stabilize disturbed areas as soon as practicable, but in no case more than 14 days after final grade has been attained. Permanent structures, temporary or permanent vegetation, mulch, stabilizing emulsions, or a combination of these measures should be used as quickly as possible after the land is disturbed. Temporary vegetation and mulches and other control materials can be most effective when it is not practical to establish permanent vegetation or until permanent vegetation is established. Such temporary measures should be used as soon as practicable, but in no case more than 14 days after rough grading is completed if a delay is anticipated in obtaining finished grade. The finished slope of a cut or fill should be designed to be stable and easily maintained. Stabilize roadways, parking areas, and paved areas with a gravel sub-base whenever possible.

6. Implement a thorough maintenance and follow-up program. This last principle is vital to the success of the five other principles. A site cannot be effectively controlled without thorough, periodic checks of the erosion and sediment control practices. These practices must be maintained just as construction equipment must be maintained and material checked and inventoried. An example of applying this principle would be to start a routine “end of day check” to make sure that all control practices are working properly.

8.2 SWPPP Requirements for Construction Activity

Construction activity is the disturbance of one acre or more of land area and less than one acre if part of a common plan of development or sale. Prior to construction activity, a permit application must be submitted in the form of a Notice of Intent (NOI) to the Nebraska Department of Environment and Energy (NDEE) via the state’s online application portal.

Submittals to the City for review should include a Stormwater Pollution Prevention Plan (SWPPP) with the information identified in this chapter, as well as a copy of the NPDES Authorization to Discharge letter from NDEE. The SWPPP must identify the appropriate Best Management Practices (BMPs) to be implemented to control erosion, sedimentation, and pollutants, such as those described in Section 8.3.

Prior to construction activity for sites less than one acre that are part of a common plan of development or sale (i.e., residential lots), an individual lot notice of intent (INOI) permit must be submitted to the City through the building permit process.

The SWPPP must be prepared and signed by a qualified individual as defined in the NDEE Construction Stormwater General Permit. Review approval or comments are scheduled to be reviewed within seven (7) calendar days after receipt of application by the City. Prior to actual initiation of the construction activity, the applicant must have received approval from both the City and NDEE.

When responsibility for stormwater discharges at a construction site changes from one entity to another, the permittee shall complete a new Construction Stormwater (CSW) NOI to NDEE via the state’s online application portal. Any change in NPDES permit status should be provided to the City.

Once the construction is complete in accordance with the design standards, and the site has achieved Final Stabilization, the applicant must submit to NDEE a Notice of Termination. Final Stabilization is a condition where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a minimum density of 70 percent of the native background vegetative cover has been established on all non-impervious surfaces and areas not covered by permanent structures unless equivalent permanent stabilization measures have been employed (i.e., riprap, gabions, or geotextiles).

The State permit will expire with the approved Notice of Termination or with the expiration of the State of Nebraska Construction General Permit. Permits that expired with the expiration of the State permit can be extended up to one year with NDEE approval. If not extended or upon end of extension, a new permit with current information must be requested that meets current standards.

In preparing the SWPPP, individuals should review this section and those that follow. Specifically, those preparing plans should be familiar with SWPPP requirements (Section 8.2), as well as the selection and design of BMPs, and the fundamentals of the erosion process.

8.2.1 Summary of Required SWPPP Items for Construction Activity

The following is a summary of required SWPPP items for Construction Activity to be prepared in accordance with Section 8.2 and 8.3 of this chapter.

8.2.1.1 Narrative

1. **Project Description** – Briefly describes the nature and purpose of the construction activity (i.e., low-density residential, site grading for future commercial development, roadway, etc.), and the area (acres) to be disturbed.
3. **Adjacent Areas** – Describe neighboring areas such as streams, lakes, residential areas, roads, etc., that might be affected by the construction activity.
4. **Offsite Areas** – Describe any offsite construction activities that will occur (including borrow sites, waste, or surplus areas, etc.). Will any other areas be disturbed?
5. **Soils** – Briefly describe the soils on the site giving such information as soil name, erodibility, permeability, depth, texture, and soil structure.
6. **Critical Areas** – Describe areas on the site that have potentially serious erosion problems (steep slopes, channels, etc.).
7. **Construction Sequencing** – Briefly describes the anticipated sequence and timing of land disturbance activity.
8. **Temporary Erosion and Sediment Controls** – Describe the methods that will be used to control erosion and sedimentation on the site during construction, as well as temporary construction stormwater management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the construction site. Controls must meet the minimum specified requirements as found in Section 8.4 of this manual.
9. **Permanent Stabilization** – Briefly describes, including specifications, how the site will be stabilized after construction is completed.
10. **Post-Construction Stormwater Management Measures** – Describe all post-construction stormwater management measures that retain/detain flows or otherwise limit runoff and the discharge of pollutants.
11. **Controls for Prohibited Discharges** – Describe the controls to be used to prevent the following prohibited discharges:
 - a. Wastewater from washout of concrete.
 - b. Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
 - d. Soaps, solvents, or detergents used in vehicle and equipment washing.
 - e. Toxic or hazardous substances from a spill or other release.
12. **Offsite Vehicle Tracking Prevention** – Describes measures to minimize vehicle tracking of sediments offsite onto paved surfaces and the generation of dust.
13. **Non-Sediment Pollutant Management** – Describes construction materials, products, and waste materials expected to be stored at the construction site or supporting areas. The description should include controls and storage practices to minimize exposure of the materials to stormwater and stormwater runoff.

14. **Spill Prevention and Response Plan** – When developing a spill prevention plan, include, at a minimum, the following:
- Note the location of chemical storage areas, storm drains, tributary drainage areas, surface waterbodies on or near the site, and measures to stop spills from leaving the site.
 - Specify how to notify the appropriate authorities to request assistance.
 - Describe the procedures for immediate cleanup for spills and proper disposal.
 - Identify personnel responsible for implementing the plan in the event of a spill.

8.2.1.2 *Site Plan*

1. **Vicinity Map** – A small map locating the site in relation to the surrounding area. Include any landmarks that might assist in locating the site.
2. **Indicate North** – The direction of north in relation to the site.
3. **Limits of Clearing and Grading** – Areas that are to be cleared and graded.
4. **Existing Contours** – The existing contours of the site.
5. **Final Contours** – Changes to the existing contours, including final drainage patterns.
6. **Existing Vegetation** – The existing tree lines, grassed areas, or unique vegetation.
7. **Existing Drainage Patterns** – The dividing lines and the direction of flow for the drainage areas. Include the size (acreage) of each drainage area.
9. **Site Development** – Show all improvements such as buildings, parking lots, access roads, utility roads, etc.
10. **Location of Best Management Practices** – The locations of erosion and sediment controls and stormwater management practices used on the site for all phases of construction. For phases prior to final stabilization, show known BMP locations, if possible. While the project is ongoing, amend the SWPPP as needed to reflect current site conditions.
11. **Offsite Areas** – Identify any offsite construction activities (borrow sites, waste sites, etc.). Show location of erosion controls.
12. **Detailed Drawings** – Enlarged, dimensioned drawings of such key features as sediment basin drainage structures, energy dissipators, and waterway cross-sections.
13. **Detailed Specifications** – Specifications for specific items such as seeding mix and planting schedule, filter fabric size, rock gradations, etc.
14. **Construction Sequencing** – Typically provided by the general contractor prior to project startup, this information provides specifications for the sequence of construction operations describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction (i.e., infrastructure, water main flushing).
15. **Documentation of Site and Activity Records** – The SWPPP must be amended to include dates when major grading activities occur, dates when construction activities temporarily or permanently cease on a portion of the site, and dates when stabilization measures are initiated.
16. **Maintenance Program** – Describes inspection schedules, spare materials needed, stockpile locations, instructions for sediment removal and disposal, and for repair of damaged structures should be provided. A clear statement defining maintenance responsibility should also be included.

8.2.1.3 Calculations

- I. **Calculations and Assumptions** – Provide data for design storm used to size pipes, channels, sediment basins, and traps. Include calculations for post-development runoff, as well as any other calculations necessary to support drainage, erosion and sediment, and stormwater management systems.

8.2.2 SWPPP Development – Site Assessment and Planning

The following section describes five critical steps in the SWPPP development process that will help provide a good foundation for the SWPPP.

- I. **Assess the site and proposed project** – The SWPPP should describe the undeveloped site and identify land features that can be incorporated into the final plan and natural resources that should be protected. The SWPPP is a legal, binding document and, therefore, must be followed as per design.
 - a. **Visit the site** – The people responsible for site design drafting the SWPPP should conduct a thorough walk-through of the entire construction site to assess site-specific conditions such as soil types, drainage patterns, existing vegetation, and topography. Avoid copying SWPPPs from other projects to save time and money. Each construction site is unique, and visiting the site is the only way to create a SWPPP to address the unique conditions at that site.
 - b. **Assess existing construction site conditions** – Assess the existing conditions at the construction site, including topography, drainage, and soil type. This assessment is the foundation for building the SWPPP and for developing the final site plan. In this assessment, use or create a topographic drawing that:
 - i. Indicates how stormwater currently drains from the site, and identify the location of discharge points or areas.
 - ii. Identifies slopes and slope lengths. The topographic features of the site are a major factor affecting erosion from the site.
 - iii. Identifies soil type(s) and any highly erodible soils and the soil's infiltration capacity.
 - iv. Identifies any past soil contamination at the site.
 - v. Identifies natural features, including trees, streams, wetlands, slopes, and other features to be protected.

In most cases, the site designer can compile all this information on a digitized drawing that can then be adapted to show the planned construction activity, the phases of construction, and the final site plan.
 - c. **Identify receiving waters, storm drains, and other stormwater conveyance systems** – The SWPPP should clearly identify the receiving waters and stormwater systems through which stormwater from the site could flow. If the site's stormwater flows into a municipal drain system, the plan designer will need to determine the ultimate destination of that system's discharge. If the site's stormwater runs off to areas not connected to the storm drain system, the designer should consider the land's topography and then identify the waterbodies that it could reach.
 - d. **Describe the construction project** – The SWPPP should briefly describe and identify the construction activity, including:
 - i. Project type or function (i.e., low-density residential, industrial center, street widening)
 - ii. Project location, including latitude and longitude, and section-township-range
 - iii. Estimated project start and end dates

- iv. Sequence and timing of activities that will disturb soils at the site
 - v. Size of the project
 - vi. Estimated total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated offsite borrow and fill areas
 - vii. Soil types
 - viii. Location of other potential sources of stormwater contamination, such as asphalt and concrete plants, paint and concrete washout areas, etc.
- e. **Identify pollutants and pollution sources** – Identify the pollutants and sources that are likely to be found on the site. Sediment is the main pollution of concern, but other pollutants may be found, usually in substantially smaller amounts, in stormwater runoff from construction sites. These can include nutrients, heavy metals, organic compounds, pesticides, oil and grease, bacteria and viruses, trash and debris, and other chemicals (i.e., fuel storage and/or refueling location). After identifying the pollutants and sources, be as specific as possible in the SWPPP about the BMPs that will be used to address them.
2. **Identify approaches to protect natural resources** – The SWPPP should describe methods to be used to protect and preserve any streams, wetlands, ponds, or other waterbodies that are on the property or immediately adjoining it. Riparian areas around headwater streams are especially important to the overall health of the entire river system. Contact the Nebraska Department of Environment and Energy to determine if any impaired waters designation has been placed on any adjacent streams, rivers, or waterbodies. A permittee might be subject to additional requirements to protect these waterbodies.
- Wetland areas, including bogs marshes, and sloughs, may be found in areas adjacent to rivers, streams, and lakes but may also be found in isolated places far from other surface waters. Many types of wetlands, especially saline wetlands, are protected under the Clean Water Act, and construction activities in and around these areas may require an additional permit from the U.S. Army Corps of Engineers (i.e., 404 permit). Construction site operators should make every effort to preserve wetlands and must follow local, state, and federal requirements before disturbing them or the areas around them.
3. **Assess whether there are endangered plant or animal species in the area** – The Federal Endangered Species Act protects endangered and threatened species and their critical habitat areas. In developing the assessment of the site, determine whether listed endangered species are on or near the property. Critical habitat areas are often designated to support the continued existence of listed species. The SWPPP designer will also need to determine whether critical habitat areas have been designated near the project. Contact local offices of the U.S. Fish and Wildlife Service (FWS) or the Nebraska Game and Parks Service.
4. **Assess whether there are historic sites that require protection** – The National Historic Preservation Act applies to construction activities. As with endangered species, some permits may specifically require the SWPPP designer to assess the potential impact of the stormwater discharges on historic properties. However, whether or not this is listed as a condition for permit coverage, the National Historic Preservation Act and any applicable state laws apply to the project. Contact the State Historic Preservation Officer at the Nebraska State Historical Society for more information.
5. **Develop site maps** – The final step in the site evaluation process is to document the results of the site assessment and the planned phases of construction activity on a detailed site map or maps. This includes developing site maps showing planned construction activities and stormwater practices for the various major stages of construction, protected areas, natural features, slopes, erodible soils, nearby waterbodies, permanent stormwater controls, and so on.

The permittee must keep the SWPPP and the site maps up to date to reflect changes at the site during the construction process.

- a. If a marked-up site map is too full to be easily read, the SWPPP designer should date and fold it, put it in the SWPPP for documentation, and start a new one. That way, there is a good hard copy record of what has occurred onsite.

8.2.3 SWPPP Erosion and Sediment Control Requirements

1. The applicant must incorporate erosion and sediment control practices into the SWPPP and implement said practices at all locations undergoing construction activity. The erosion and sediment control practices used must consider site-specific variables, including slope, soil types, size of the project, duration of construction activities, proximity of perennial and seasonal streams, and existence of impounded waters downstream of the project. The controls used may vary from site to site, but the controls used must be effective in minimizing erosion and sediment release from the site and in protecting the water quality in the receiving stream or waterbody.
2. The existence of downstream lakes or other impounded water increases water quality concerns relative to sediment release. In these instances, more stringent erosion and sediment controls may need to be implemented.
3. The applicant must upgrade the erosion and sediment control practices used in the SWPPP and implement additional controls, if existing controls prove inadequate in minimizing erosion and sediment releases, or in protecting the water quality of the receiving stream or waterbody. The applicant must comply with City/State requests to implement additional controls to minimize erosion and sediment releases and to protect receiving waterbodies.
4. All SWPPPs submitted for approval must include the following statement: “Unless otherwise indicated, all vegetative and structural erosion and sediment control practices and stormwater management practices will be constructed and maintained according to the minimum standards and specifications of the Drainage Criteria Manual.”
5. Stabilize soils properly. Where construction activities have temporarily or permanently ceased, the area must be temporarily or permanently stabilized as soon as practicable, but in no case more than 14 days.
 - a. All SWPPP plans submitted for approval must include placement of the following statement, “Following soil disturbance, permanent or temporary stabilization must be completed as soon as practicable, but in no case more than 14 days to the surface of all perimeter sediment controls, topsoil stockpiles, and any other disturbed or graded areas on the project site which are not being used for material storage, or on which actual earth moving activities are not being performed.” In subdivisions, this permanent or temporary stabilization must be maintained until development commences on street work or, utility work on individual lots within the subdivision.
 - b. Temporary measures are necessary when an area of a site is disturbed but where activities in that area are not completed or until permanent BMPs are established. Topsoil stockpiles should also be protected to minimize any erosion from these areas. Silt fence and other sediment control measures are NOT stabilization measures.
 - c. Temporary cover BMPs include:
 - i. Mulches
 - ii. Bonded fiber matrices (hydroseeding/mulching)
 - iii. Blankets and mats

- iv. Use of soil binders/tackifiers
 - v. Temporary or Cover Crop Seeding, combined with one of the BMPs above to protect the seed from erosion, promoting germination
- d. Permanent-cover BMPs include:
- i. Permanent seeding and planting
 - ii. Sodding
 - iii. Channel stabilization
 - iv. Vegetative buffer strips
6. Protect slopes. Protect all slopes with appropriate erosion controls. Steeper slopes, slopes with highly erodible soils, or long slopes require a more complex combination of controls. Cut and fill slopes must be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization must be provided with additional slope stabilization measures until the problem is corrected. Examples of BMPs for slope stabilization include:
- a. Erosion Control Blankets
 - b. Turf Reinforcement Mats
 - c. Bonded Fiber Matrices (hydroseeding/mulching)
 - d. Wattles (Straw or wood) may also be used as slope interruptions help control erosion on moderate to shallow slopes and should be installed on level contours spaced at 10 to 20-foot intervals. The SWPPP designer can also use diversion dikes and berms to keep stormwater off slopes. Concentrated runoff must not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
7. Protect storm drain inlets. Protect all inlets that could receive stormwater from the project until final stabilization of the site has been achieved. If necessary, install protection before soil disturbing activities begin. Install inlet protection before soil-disturbing activities begin, if possible. Maintenance throughout the construction process is important. Storm drain inlet protection should be used not only for storm drains within the active construction project but also for storm drains outside the project area that might receive stormwater discharges from the project. If storm drains on private property could receive stormwater runoff from the project, coordinate with the property owners to ensure proper inlet protection. Inlet protection should be removed during winter conditions (November through March).
8. Establish perimeter controls. Maintain natural areas and supplement them with perimeter sediment controls to help stop sediment from leaving the site. Install controls on the downslope perimeter of the project (it is typically not necessary to surround the entire site with silt fence). Sediment barriers can be used to protect stream buffers, riparian areas, wetlands, adjacent public right-of-way, and neighboring private properties. They are effective only in small areas and should not be used in areas of concentrated flow. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment must be constructed as a first step in any land-disturbing activity and must be made functional before upslope land disturbance takes place.
9. Retain sediment onsite and control dewatering practices. When sediment retention from a larger area is required, consider using a sediment trap or basin. These practices detain sediment-laden runoff for a period, allowing sediment to settle before runoff is discharged. Proper design and maintenance are essential to ensure that these practices are effective.

- a. When a site is discharging from basins and impoundments, the site must use outlet structures that withdraw water from the surface, unless infeasible.
 - b. Where a large sediment basin is not practical, use smaller sediment basins and traps (or both) where feasible. At a minimum, use silt fences, vegetative buffer strips, or equivalent sediment controls for all down-gradient boundaries (and for those side-slope boundaries deemed appropriate for individual site conditions).
10. Dewatering practices as used to remove groundwater or accumulated rainwater from excavated areas.
- a. Pump muddy water from these areas to a temporary or permanent sedimentation basin or to an area completely enclosed by silt fence or other sediment retention device (i.e., sediment bag) in a flat vegetated area where discharges can infiltrate into the ground.
 - b. Never discharge muddy water into storm drains, streams, lakes, or wetlands unless sediment has been removed before discharge.
11. Establish stabilized construction exits. Vehicles entering or leaving the site have the potential to track significant amounts of sediment onto streets. Identify and clearly mark one or two locations where vehicles will enter and exit the site and focus stabilizing measures at those locations. Construction exits are commonly made with crushed rock. They can be further stabilized using stone pads or concrete. No system is perfect, so sweeping/vacuuming the street regularly completes this BMP.
12. Stabilize channels and watercourses. When work in a live watercourse is performed, precautions must be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction. Non-erodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by non-erodible cover materials.
- a. When live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary stream crossing constructed of non-erodible material must be provided. The bed and banks of a watercourse must be stabilized immediately after work in the watercourse is completed.

8.2.4 Good Housekeeping Requirements

Construction projects generate large amounts of building-related waste, which can end up polluting stormwater runoff if not properly managed. The suite of BMPs described in the SWPPP must include pollution prevention practices that are designed to prevent contamination of stormwater from a wide range of materials and wastes at the site. The five principles described in this section are designed to help the SWPPP designer identify the pollution prevention practices that should be described in the SWPPP and implement at the site.

- I. Provide for waste management.
 - a. Design proper management procedures and practices to prevent or reduce the discharge of pollutants to stormwater from solid or liquid wastes that will be generated at the site. Practices such as trash disposal, recycling, proper material handling, and cleanup measures can reduce the potential for stormwater runoff to pick up construction site wastes and discharge them to surface waters.
 - b. Design proper management procedures and practices to prevent or reduce the discharge of pollutants to stormwater from solid or liquid wastes that will be generated at the site. Practices such as trash disposal, recycling, proper material handling, and cleanup measures

can reduce the potential for stormwater runoff to pick up construction site wastes and discharge them to surface waters.

2. Design proper management procedures and practices to prevent or reduce the discharge of pollutants to stormwater from solid or liquid wastes that will be generated at the site. Practices such as trash disposal, recycling, proper material handling, and cleanup measures can reduce the potential for stormwater runoff to pick up construction site wastes and discharge them to surface waters.
 - a. Provide well-maintained and properly located toilet facilities. Provide for regular inspections, service, and disposal. Locate portable toilet facilities at least 20 feet away from storm drain inlets and at least 10 feet back from the edge of curb and gutter conveyance systems.
 - b. Establish proper building material handling and staging areas.
3. The SWPPP must include comprehensive handling and management procedures for building materials, especially those that are hazardous and toxic. Paints, solvents, pesticides, fuels and oils, other hazardous materials, or any building materials that have the potential to contaminate stormwater should be stored indoors or under cover whenever possible, or in areas with secondary containment. Secondary containment prevents a spill from spreading across the site and includes dikes, berms, curbing, or other containment methods. Secondary containment systems should also ensure protection of groundwater.
4. Designate staging areas for activities such as fueling vehicles, mixing paints, plaster, mortar, etc. Designated staging areas will help monitor the use of materials and to clean up any spills. Training employees and subcontractors is essential to the success of this pollution prevention principle.
5. Designate washout areas.
 - a. All concrete contractors and any subcontractors installing concrete must be required to use designated and marked concrete washout areas on the permitted construction site. Designate specific washout areas and design facilities to handle anticipated washout with water.
 - b. Washout areas must also be provided for paint and stucco operations. Because washout areas can be a source of pollutants from leaks or spills, it is required that they be located at least 50 yards away from storm drains and watercourses.
 - c. Regular inspection and maintenance are important for these BMPs. If there is evidence that contractors are dumping materials into drainage facilities or if the washout areas are not being used regularly, the SWPPP designer must consider posting additional signage, relocating the facilities to more convenient locations, or providing training to workers and contractors.
6. Establish proper equipment/vehicle fueling and maintenance practices.
 - a. If offsite fueling and maintenance is not feasible, create an onsite fueling and maintenance area that is clean and dry. Onsite fuel storage tanks must be double walled. The onsite fueling area should have a spill kit, and staff should know how to use it. If possible, conduct vehicle fueling and maintenance activities in a covered area; outdoor vehicle maintenance is a potentially significant source of stormwater pollution. Significant maintenance on vehicles and equipment should be conducted offsite.
 - b. Clearly designate vehicle/equipment service areas away from drainage facilities and watercourses to prevent stormwater run-on and runoff.

7. Develop a Spill Prevention and Response Plan. A Spill Prevention and Response Plan is required for the SWPPP to addresses fueling, maintenance, or storage areas on the site. The plan must comply with the requirements of the City, and Nebraska Department of Environment and Energy (NDEE) Title 126, Chapter 18-Rules and Regulations Pertaining to the Management of Wastes. If the permittee knows or has reason to believe that oil or hazardous substances were released at the facility and could enter Waters of the State or any of the outfall discharges authorized by the permit, it shall be the duty of the present property owner, occupant, or person responsible to notify the City and NDEE of an illicit discharge in the following manner:
 - a. Hazardous substances. In the event such illicit discharge contains hazardous substances, emergency response agencies shall immediately be notified of the discharge by calling 911. If the Hazardous Material team is needed, 911 will dispatch them to the scene. The Hazmat Team will then make the necessary contact with Local Authorities (Fire Dept, NDEE, etc.) as per the NDEE Title 126 Chapter 18 Rules and Regulations requirement.
 - b. Nonhazardous substances. In the event such illicit discharge is composed entirely of nonhazardous substances, the City shall be notified in person, by phone, or by email no later than the next business day. Notifications in person or by phone shall be confirmed in writing, addressed, and mailed to the City within three business days of such notice.
 - c. The plan should clearly identify ways to reduce the chance of spills, stop the source of spills, contain and clean up spills, dispose of materials contaminated by spills, and train personnel responsible for spill prevention and response. The plan should also specify material handling procedures and storage requirements and ensure that clear and concise spill cleanup procedure are provided and posted for areas in which spills may potentially occur.
8. When developing a spill prevention plan, include, at a minimum, the following:
 - a. Note the locations of chemical storage areas, storm drains, tributary drainage areas, surface waterbodies on or near the site, and measures to stop spills from leaving the site.
 - b. Specify how to notify the appropriate authorities to request assistance.
 - c. Describe the procedures for immediate cleanup for spills and proper disposal.
 - d. Identify personnel responsible for implementing the plan in the event of a spill.

8.3 Best Management Practice (BMP) Selection

This section provides a decision-making process that can be used to select best management practices (BMPs) to control erosion and sedimentation. It also provides principles for the selection of BMPs for “good housekeeping” on a construction site.

8.3.1 Steps in Selection of Control Measures

1. **Identify Control Method(s)** – On any construction site, the objective in erosion and sediment control is to prevent offsite sedimentation damage. Three basic methods are used to control sediment transport from construction sites: runoff control, soil stabilization, and sediment control. Controlling erosion (runoff control and soil stabilization) should be the first line of defense. Controlling erosion is effective for small disturbed areas, such as single lots or small areas of a development that do not drain to a sediment trapping facility. Sediment trapping facilities should be used on large developments where mass grading is planned, where it is impossible or impractical to control erosion, and where sediment particles are relatively large. Runoff control and soil stabilization should be used together where soil properties and site topography make the design of sediment trapping facilities impractical. Cost-effective erosion and sediment control typically include a combination of vegetative and structural erosion and sedimentation control measures.
2. **Identify Problem Areas** – Potential erosion and sediment control problem areas should be identified. Areas where erosion is to be controlled will usually fall into categories of slopes, graded areas, or drainageways. Slopes include graded rights-of-way, stockpile areas, and all cut and fill slopes. Graded areas include all stripped areas other than slopes. Drainageways are areas where concentrations of water flow naturally or artificially and the potential for gully erosion is high.
3. **Identify Required Strategy** – The third step in erosion and sediment control planning is to develop a strategy that can be taken to resolve the problem. For example, if a cut slope is to be protected from erosion, the strategies may include protecting the ground surface, diverting water from the slope, or shortening the slope. Any combination of the above can be used. If no rainfall except that which falls on the slope has the potential to cause erosion and if the slope is relatively short, protecting the soil surface is often all that is required to resolve the problem.
4. **Select Specific Control Measures** – The final step in erosion and sediment control planning can be accomplished by selecting and adapting specific control measures that accomplish the strategy developed in Step 3. Items to consider when selecting a final BMP are as follows:
 - **Timing** – Consider the life span of the needed BMP based on the phase of construction. BMP selection will vary during construction phases. A short-term, temporary BMP would be selected for areas where construction activity has stopped for a short period of time, whereas a construction site that is nearing completion will be ready for BMPs suitable for final stabilization.
 - **Cost** – Consider material cost, add-ons, installation, maintenance, preparation costs, and any cleanup for impacts to adjacent properties should they occur.
 - **Effectiveness** – Compare effectiveness of BMPs. Use manufacturer specifications to compare engineering properties. BMP technology has improved dramatically; it is important to be familiar with new, effective techniques and products for effective erosion and sediment control.
 - **Installation** – Consider ease of installation and durability once installed.
 - **Vegetation** – Consider compatibility of BMP to foster vegetation.
 - **Operation** – Consider maintenance requirements for the various BMPs and care for establishing vegetation.

8.3.1.1 Erosion Control BMPs

Erosion prevention and control should be the primary line of defense in reducing erosion and sedimentation. Erosion control minimizes, to the maximum extent practicable, runoff from interacting with disturbed soil, thus preventing the erosion process from occurring. This can be accomplished by preserving existing vegetation, redirecting runoff around disturbed areas of the site, or preventing concentrated flows as much as possible. Erosion Control BMPs listed in Table 8-1 can be used in selecting BMPs for stabilizing exposed soils on a construction site or streambank. Refer to the appropriate selection listed in Table 8-1 for more information in Section 8.4 for each BMP.

Table 8-1 Erosion Control BMP Selection Matrix

Erosion Control BMP	Section	Protection for Slopes			Controlling Run-On	Protection for Streambanks/ Channels
		0–7%	7–15%	>15%		
Diversion Dikes	8.4.7				x	x
Temporary Fill Diversions	8.4.8				x	
Level Spreader	8.4.10				x	x
Temporary Slope Drain	8.4.11	x	x	x	x	x
Vegetative Streambank Stabilization	8.4.17					x
Temporary Seeding	8.4.19	x				
Permanent Seeding	8.4.20	x				
Sodding	8.4.21	x	x	□		
Mulching	8.4.22	x	x	□		□
Soil Stabilization Blankets & Matting	8.4.23	x				x
Preservation of Natural Vegetation	8.4.24	x	x	x	x	x
Compost Blanket	8.4.28	x				
Soil Binders	8.4.30	x				

x = Designates where BMP is appropriate for use.

□ = Designates where BMP may be applied with careful consideration of design criteria.

8.3.1.2 Sediment Control BMPs

Sediment control shall be used to prevent sediment from leaving the site during development. Sediment control is used when the displacement of soil material is unavoidable and capture is necessary. BMPs that provide sediment control are listed in Table 8-2 and can be used to help select sediment control BMPs based on slope length, drainage area, or site activity. Refer to the appropriate selection listed in Table 8-2 for more information in Section 8.4 for each BMP.

Table 8-2 Sediment Control BMP Selection Matrix

Sediment Control BMP	Section	Slope Length		Drainage Area		Site Activity	
		<100 ft	>100 ft	<5 acres	>5 acres	Construction Traffic	Enhance Settling
Stabilized Construction Entrance	8.4.2					x	
Construction Road Stabilization	8.4.3					x	
Silt Fence	8.4.4	x					
Storm Drain Inlet Protection	8.4.5			x			
Culvert Inlet Protection	8.4.6			x			
Check Dam	8.4.9		x	x			
Temporary Vehicular Crossing	8.4.12			x		x	
Turbidity Curtain	8.4.13			x	x		
Temporary Sediment Trap	8.4.14			x			x
Temporary Sediment Basin	8.4.15		x	x	x		x
Wattles	8.4.25		x				
Compost Sock	8.4.26	x		x			
Compost Berm	8.4.27	x		x			
Wheel Wash	8.4.29	x		x		x	

x = Designates where BMP is appropriate for use.

8.4 Erosion and Sediment Control Best Management Practices

This section discusses commonly used erosion and sediment control practices with specific emphasis on their definition, purpose, and where the practice would apply. **For complete design criteria, please refer to the current City of Omaha Regional Stormwater Design Manual-Chapter 9.** Use of the BMP guidelines in conjunction with the minimum standards outlined in Section 8.2 will allow the designer of the Site Map greater flexibility in selecting BMPs, while complying with the requirements necessary for approval of a SWPPP.



8.4.1 Safety Fence

8.4.1.1 Definition

A protective barrier installed to prevent access to an erosion prevention measure.

8.4.1.2 Purpose

To prohibit the undesirable use of an erosion prevention measure by the public.

8.4.1.3 Conditions Where Practice Applies

Applicable to any control measure or series of measures that can be considered unsafe by virtue of potential for access by the public.

8.4.2 Stabilized Construction Entrance

8.4.2.1 Definition

A stabilized construction entrance consists of a stabilized aggregate pad with a filter fabric underliner located at any point where vehicular traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area.

8.4.2.2 Purpose

To reduce or eliminate the tracking of sediment onto public rights-of-way or streets.

8.4.2.3 Conditions Where Practice Applies

A stabilized construction entrance is required any place traffic will be leaving a construction site and move directly onto a public road or other paved area.



8.4.3 Construction Road Stabilization

8.4.3.1 Definition

The temporary stabilization of access roads, subdivision roads, parking areas, and other on-site vehicle transportation routes with aggregate immediately after grading.

8.4.3.2 Purpose

To reduce the erosion of temporary roadbeds by construction traffic during wet weather, and to reduce the erosion and subsequent regrading of permanent roadbeds between the time of initial grading and final stabilization.

8.4.3.3 Conditions Where Practice Applies

Wherever aggregate base roads or parking areas are constructed, whether permanent or temporary, for use by construction traffic.



8.4.4 Silt Fence

8.4.4.1 Definition

An entrenched, temporary sediment barrier consisting of synthetic filter fabric stretched across and attached to supporting posts. A silt fence may have wood or steel posts and may be supported by additional wire fencing.

8.4.4.2 Purpose

To decrease the velocity of sheet flows and intercept and detain small amounts of sediment from disturbed areas to prevent sediment from leaving a construction site.

8.4.4.3 Conditions Where Practice Applies

- Below disturbed areas subject to sheet and rill erosion.
- Where the size of the drainage area is no greater than one-fourth of an ac. per 100 ft. of silt fence length, the maximum slope length behind the barrier is 100 ft., and the maximum slope gradient behind the barrier is 50 percent (2:1). Multiple lines of silt fence spaced 100 ft. apart may be used.
- In areas where rock or other hard surface would not prevent the full and uniform depth anchoring of the barrier.
- Areas where standing water created by the silt fence will not cause a problem.

Silt fences shall not be used as ditch checks. Refer to Section 8.4.25, Wattles, and Section 8.4.9, Check Dams.

8.4.5 Storm Drain Inlet Protection

8.4.5.1 Definition

Involves installing a sediment filter or an excavated impounding area around a storm drain drop inlet or curb inlet.

8.4.5.2 Purpose

To prevent sediment from entering storm drainage systems prior to permanent stabilization of the disturbed area.



8.4.5.3 Conditions Where Practice Applies

Where the drainage area to an inlet is disturbed, it is not possible to temporarily divert the storm drain outfall into a trapping device and watertight blocking of the inlets is not advisable. This practice is not to be used in place of sediment trapping devices. It may be used in conjunction with storm drain diversion to help prevent siltation of pipes installed with low slope angle. There are five specific types of storm drain inlet protection practices that vary according to their function, location, drainage area, and availability of materials:

1. Excavated Drop Inlet Sediment Trap
2. Silt Fence Drop Inlet Protection
3. Block and Aggregate Drop Inlet Sediment Filter
4. Block and Aggregate Curb Inlet Sediment Filter
5. Filter Sock Curb Inlet Sediment Filter

8.4.6 Culvert Inlet Protection

8.4.6.1 Definition

Provided by constructing a sediment filter located at the inlet to storm sewer culverts.

8.4.6.2 Purpose

To prevent sediment from entering, accumulating in, and being transferred by a culvert and associated drainage system prior to permanent stabilization and to prevent erosion at culvert inlets during the phase of a project where elevation and drainage patterns change, causing original control measures to be ineffective or in need of removal.

8.4.6.3 Conditions Where Practice Applies

Where culvert and associated drainage system is to be made operational prior to permanent stabilization of the disturbed drainage area. Different types of structures are applicable to different conditions.



8.4.7 Temporary Diversion Dike

8.4.7.1 Definition

A temporary ridge of compacted soil constructed at the top or base of a sloping disturbed area.

8.4.7.2 Purpose

To divert storm runoff from upslope drainage areas away from unprotected disturbed areas and slopes to a stabilized outlet or to divert sediment laden runoff from a disturbed area to a sediment trapping facility such as a sediment trap or sediment basin.

8.4.7.3 Conditions Where Practice Applies

Wherever stormwater runoff must be temporarily diverted to protect disturbed areas and slopes or retain sediment on-site during construction. These structures generally have a life expectancy of 18 months or less, which can be prolonged with proper maintenance.

8.4.8 Temporary Fill Diversion

8.4.8.1 Definition

A channel with a supporting ridge of soil on the lower side, constructed along the top of an active earth fill.

8.4.8.2 Purpose

To divert storm runoff away from the unprotected slope of the fill to a stabilized outlet or sediment trapping facility.

8.4.8.3 Conditions Where Practice Applies

Whenever the drainage area at the top of an active earth fill slopes toward the exposed slope, this temporary structure should remain in place for less than one week.

8.4.9 Check Dams

8.4.9.1 Definition

Small temporary aggregate dams constructed across a swale or drainage ditch.

8.4.9.2 Purpose

To reduce the velocity of concentrated stormwater flows, thereby reducing erosion of the swale or ditch. This practice also traps sediment generated from adjacent areas or the ditch itself, mainly by ponding of the stormwater runoff. Field experience has shown it to perform more effectively than silt fence in the effort to stabilize wet-weather ditches.



8.4.9.3 Conditions Where Practice Applies

Using a combination of aggregate sizes, this practice is limited to use in small open channels that drain 10 ac. or less. It should not be used in a perennial or an intermittent stream as the objective or regulated waterbody. Some specific applications include:

1. Temporary ditches or swales that, because of their short length of service, cannot receive a non-erodible lining but still need protection to reduce erosion.
2. Temporary ditches or swales that need protection during the establishment of grass linings.
3. An aid in the sediment trapping strategy for a construction site. This practice is not a substitute for major perimeter trapping measures such as a Sediment Trap or a Sediment Basin.



8.4.10 Level Spreader

8.4.10.1 Definition

An outlet for dikes and diversions consisting of an excavated depression constructed at zero grade across a slope.

8.4.10.2 Purpose

To convert concentrated runoff to sheet flow and release it uniformly onto areas stabilized by existing vegetation.

8.4.10.3 Conditions Where Practice Applies

Where there is a need to divert stormwater away from disturbed areas to avoid overstressing erosion prevention measures, and where sediment free storm runoff can be released in sheet flow down a stabilized slope without causing erosion. This practice applies only in those situations where the spreader can be constructed on undisturbed soil and the area below the level lip is uniform with a slope of 10 percent or less and is stabilized by natural vegetation. The runoff water should not be allowed to reconcentrate after release unless it occurs during interception by another measure (such as a permanent pond or detention basin) located below the level spreader.



8.4.11 Temporary Slope Drain

8.4.11.1 Definition

Consists of flexible tubing or conduit extending from the top to the bottom of a cut or fill slope.

8.4.11.2 Purpose

To temporarily conduct concentrated stormwater runoff safely down the face of a cut or fill slope without causing erosion on or below the slope.

8.4.11.3 Conditions Where Practice Applies

Temporary slope drains can be used on cut or fill slopes where there is a potential for upslope flows to move over the face of the slope causing erosion and preventing adequate stabilization.

8.4.12 Temporary Vehicular Stream Crossing

8.4.12.1 Definition

A temporary structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes, pipe arches, or oval pipes.

8.4.12.2 Purpose

To provide a means for construction traffic to cross flowing streams without damaging the channel or banks and to keep sediment generated by construction traffic out of the watercourse.



8.4.12.3 Conditions Where Practice Applies

Generally applicable to flowing streams with drainage areas less than 1 sq. mile. Structures that must handle flow from larger drainage areas should be designed using methods that more accurately define the actual hydrologic and hydraulic parameters that will affect the functioning of the structure.



8.4.13 Turbidity Curtain

8.4.13.1 Definition

A floating geotextile material that minimizes sediment transport from a disturbed area adjacent to or within a body of water.

8.4.13.2 Purpose

To isolate an active construction area within a lake or pond and to provide sedimentation protection for a watercourse from up-slope land disturbance or from dredging or filling within the watercourse.

8.4.13.3 Conditions Where Practice Applies

Applicable to watercourses or lakes where intrusion into the areas by construction activities and subsequent sediment movement is unavoidable. This practice will not reduce the amount of disturbance from work performed in water, but it will minimize the area that is affected.



8.4.14 Temporary Sediment Trap

8.4.14.1 Definition

A temporary ponding area formed by constructing an earthen embankment with an aggregate outlet.

8.4.14.2 Purpose

To detain sediment-laden runoff from small disturbed areas long enough to allow most of the sediment to settle out.

8.4.14.3 Conditions Where Practice Applies

Below disturbed areas where the total contributing area is less than 3 ac. The sediment trap may be constructed either independently or in conjunction with a Temporary Diversion Dike, Section 8.4.7.

8.4.15 Temporary Sediment Basin

8.4.15.1 Definition

A temporary barrier or dam with a controlled stormwater release structure formed by constructing an embankment of compacted soil to capture runoff prior to discharging from the project site.



8.4.15.2 Purpose

To detain sediment-laden runoff from disturbed areas in “wet” and “dry” storage long enough to allow most of the sediment to settle out.

8.4.15.3 Conditions Where Practice Applies

Can be constructed below disturbed areas where the total contributing area is equal to or greater than 3 ac. and less than 100 ac. There must be sufficient space and appropriate topography for the construction of a temporary impoundment. It is recommended that a professional in soil erosion and sediment control, professional engineer, or licensed landscape architect design these measures, by virtue of their potential to impound large volumes of water.



8.4.16 Dust Control

8.4.16.1 Definition

The practice of reducing surface and air movement of dust during land-disturbing, demolition, and construction activities.

8.4.16.2 Purpose

To prevent surface and air movement of dust from exposed soil surfaces and to reduce the presence of airborne substances that may present health hazards, traffic safety problems, or harm animal or plant life.

8.4.16.3 Conditions Where Practice Applies

In areas subject to surface and air movement of dust where on-site and off-site damage is likely to occur if preventative measures are not taken.

8.4.17 Vegetative Stream Bank Stabilization

8.4.17.1 Definition

The use of vegetation in stabilizing streambanks.

8.4.17.2 Purpose

To protect streambanks from the erosive forces of flowing water.



8.4.17.3 Conditions Where Practice Applies

Along banks in creeks, streams, and rivers subject to erosion from excess runoff. This practice is generally applicable where bank-full flow velocity does not exceed 5 ft. per second and soils are erosion resistant. Above 5 ft. per second, structural measures are generally required.



8.4.18 Topsoiling

8.4.18.1 Definition

Methods of preserving and using the surface layer of undisturbed soil, often enriched in organic matter, to obtain a more desirable planting and growth medium.

8.4.18.2 Purpose

To provide a suitable growth medium for final site stabilization with vegetation.

8.4.18.3 Conditions Where Practice Applies

1. Where the preservation or importation of topsoil is determined to be the most effective method of providing a suitable growth medium.
2. Where the subsoil or existing soil presents the following problems:
 - a. The texture, pH, or nutrient balance of the available soil cannot be modified by reasonable means to provide an adequate growth medium.
 - b. The soil material is too shallow to provide an adequate root zone and to supply necessary moisture and nutrients for plant growth.
 - c. The soil contains substances potentially toxic to plant growth.
3. Where high-quality turf is desirable to withstand intense use or meet aesthetic requirements.
4. Where ornamental plants will be established.
5. Only on slopes that are 2:1 or flatter unless other measures are taken to prevent erosion and sloughing.

8.4.19 Temporary Seeding

8.4.19.1 Definition

The establishment of temporary vegetative cover on disturbed areas by seeding with appropriate rapidly growing annual plants.

8.4.19.2 Purpose

To reduce erosion and sedimentation by stabilizing disturbed areas that will not be brought to final grade for a period of 30 days or more, reduce damage from sediment and runoff to downstream or off-site areas, and provide protection to bare soils exposed during construction until permanent vegetation or other erosion prevention measures can be established.



8.4.19.3 Conditions Where Practice Applies

Where exposed soil surfaces are not to be fine graded for periods longer than 14 days. Such areas include denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, temporary road banks, etc. A permanent vegetative cover shall be applied to areas that will be left dormant for a period of more than 1 year.



8.4.20 Permanent Seeding

8.4.20.1 Definition

The establishment of perennial cover on disturbed areas by planting seed.

8.4.20.2 Purpose

To reduce erosion and sediment yield from disturbed areas, to permanently stabilize disturbed areas in a manner that is economical, is adaptable to site conditions, and allows selection of the most appropriate plant materials, to improve wildlife habitat and to

enhance natural beauty.

8.4.20.3 Conditions Where Practice Applies

Disturbed areas where permanent, long-lived vegetative cover is needed to stabilize the soil and rough-graded areas that will not be brought to final grade for a year or more.

8.4.21 Sodding

8.4.21.1 Definition

Used to stabilize fine-graded disturbed areas by establishing permanent grass stands with sod.

8.4.21.2 Purpose

To establish permanent turf immediately, to prevent erosion and damage from sediment and runoff by stabilizing the soil surface, to reduce the production of



dust and mud associated with bare soil surfaces, to stabilize drainageways where concentrated overland flow will occur, and to use as a filtering device for sediments in areas prior to achieving permanent stabilization.

8.4.21.3 Conditions Where Practice Applies

Disturbed areas that require immediate vegetative cover, or where sodding is preferred to other means of grass establishment. Locations particularly suited to stabilization with sod are waterways carrying intermittent flow, areas around drop inlets or in grassed swales, and residential or commercial lawns where quick use or aesthetics are factors.



8.4.22 Mulching

8.4.22.1 Definition

The application of plant residues or other suitable materials to the soil surface. Mulching materials include straw or hay, wood cellulose fiber, corn stalks, wood chips, grass, or aggregate.

8.4.22.2 Purpose

To prevent erosion by protecting the soil surface from raindrop impact, reducing the velocity of overland flow, and improving infiltration of runoff. Mulching is most effective when used in conjunction with vegetation. Mulch helps foster the growth of soil stabilizing vegetation by holding seeds, fertilizers, and topsoil in place, retaining moisture, and providing insulation against extreme heat and cold.

8.4.22.3 Conditions Where Practice Applies

Used any time protection of the soil surface is desired, particularly on steep slopes and critical areas such as near waterways. Used in conjunction with seeding to establish vegetation in areas where vegetation is difficult to establish or by itself to provide temporary protection of the soil surface.

8.4.23 Soil Stabilization Blankets and Matting

8.4.23.1 Definition

Involve the installation of a protective covering (blanket) or a soil stabilization mat on a prepared surface, slope, channel, or shoreline.

8.4.23.2 Purpose

To stabilize soil, to protect disturbed soil from erosive forces, to increase infiltration, and/or to conserve soil moisture to promote establishment of vegetation.



8.4.23.3 Conditions Where Practice Applies

1. Slopes and disturbed soils where mulch would have to be anchored and other methods such as crimping or tackifying are not feasible and or adequate.
2. Short steep slopes (generally 3:1 or steeper) or slopes where concentrated flows exist or where highly erodible soils are present.
3. Locations where seeding is likely to be too slow in providing adequate protective cover.
4. Critical slopes adjacent to sensitive areas, such as streams, wetlands, shorelines, and existing development.

5. Vegetated channels where the velocity of design flow/concentrated flow exceeds “allowable” velocity.
6. Areas prone to sloughing of topsoil.
7. Seedbed areas that require thermal consistency and moisture retention.
8. Streambanks where moving water is likely to wash out new plantings.
9. Areas where the forces of wind prevent standard mulching practices from remaining in place until vegetation becomes established.
10. Slope areas where underground springs are present and discharging to the surface.

8.4.24 Preserving Natural Vegetation

8.4.24.1 Definition

The practice of identifying and preserving well-established existing vegetation areas by prohibiting land-disturbing activity.



8.4.24.2 Purpose

To maintain existing stabilized ground surface and slopes to reduce erosion potential. To act to filter stormwater runoff and reduce runoff volume, improving runoff water quality and helping to reduce downstream flooding potential.

8.4.24.3 Conditions Where Practice Applies

In areas where vegetation exists as a predevelopment condition of the site. Especially beneficial for floodplains, wetlands, stream banks, and steep slopes. In areas where erosion prevention measures are difficult to establish, install, or maintain; in areas planned for later phased construction activity; and in areas where no construction activity will occur.



8.4.25 Wattles

8.4.25.1 Definition

Tube-shaped erosion prevention devices filled with straw, flax, rice, coconut fiber, or compost material. Also called fiber logs or fiber rolls. Rolls are wrapped in UV-degradable polypropylene netting or 100-percent biodegradable material, depending on longevity requirements.

8.4.25.2 Purpose

To act as a temporary erosion and sediment control barrier. To help slow, filter, and spread overland flows, which, in turn, reduce erosion and minimize rill and gully development. To improve receiving water quality by filtering runoff and capturing sediments. The effects of long or steep slopes can be addressed with wattles installed in combination with straw mulch, erosion prevention blankets, hydraulic mulches, or soil stabilization blankets and matting for slope stabilization.

8.4.25.3 Conditions Where Practice Applies

In areas of low shear stress. Along sidewalks to prevent sediment from bare lots from washing onto sidewalks and streets. Placed in front of drain inlets to prevent sediment from entering the stormwater system.



8.4.26 Compost Socks

8.4.26.1 Definition

A mesh tube filled with composted material that is placed perpendicular to sheet flow runoff to prevent erosion and retain sediment in disturbed areas.

8.4.26.2 Purpose

To provide a three-dimensional filter that retains sediment and other soluble pollutants while allowing filtered water to continue to flow on and around construction sites.

8.4.26.3 Conditions Where Practice Applies

In disturbed areas where unconcentrated stormwater runoff occurs. Compost socks can be used on a steeper slope application if they are spaced closely or used in combination with other BMPs.

Where drainage areas of 0.25 ac. per 100 ft. of compost sock are not exceeded and where flow does not exceed one cu. ft. per second but should not be used in close proximity to a body of water.

Compost socks are typically spaced along the length of the slope as follows (CalTRANS, 2012):

1. 10 ft. on center for slopes steeper than 2:1 (horizontal:vertical)
2. 15 ft. on center for slopes from 2:1 to 4:1 (horizontal:vertical)
3. 20 ft. on center for slopes from 4:1 to 10:1 (horizontal:vertical)
4. 50 ft. on center for slopes flatter than 10:1 (horizontal:vertical)

Compost sock(s) can be used:

1. For perimeter sediment control,
2. On compacted or frozen soils,
3. On slopes up to 2:1 (horizontal:vertical),
4. In sensitive environmental areas where disruption of vegetated root systems or of wildlife migration should be avoided (US EPA, 2012.)

8.4.27 Compost Berm

8.4.27.1 Definition

A dike, trapezoidal in cross section, composed of compost.

8.4.27.2 Purpose

Placed perpendicular to sheet flow runoff to prevent erosion and retain sediment in disturbed areas.



8.4.27.3 Conditions Where Practice Applies

On construction sites with relatively small drainage areas, with slopes up to 2:1 (horizontal:vertical). In steeper slope applications, compost berms can be stacked behind each other along the slope or used in combination with other BMPs. Do not install near water or storm inlet.



8.4.28 Compost Blanket

8.4.28.1 Definition

A layer of loosely applied compost or composted material placed on disturbed areas to prevent erosion and retain sediment.

8.4.28.2 Purpose

To assist in intercepting precipitation and increase infiltration and evapotranspiration of water. To act as a buffer to absorb rainfall energy, thereby reducing soil compaction and erosion while maintaining soil permeability until temporary or permanent vegetation has established.

8.4.28.3 Conditions Where Practice Applies

1. Where land-disturbing activities have ceased to cover open ground and prevent erosion from precipitation.
2. As a means of temporary ground cover to absorb rainfall while temporary and/or permanent vegetation is being established.



8.4.29 Wheel Wash Area

8.4.29.1 Definition

A designated area to wash vehicular or equipment wheels to prevent the transfer of mud, dust, or contaminants from leaving a construction site.

8.4.29.2 Purpose

To reduce or eliminate the tracking of sediment onto streets or other impervious areas thereby reducing the opportunity for sediment to enter storm systems and waterways.

8.4.29.3 Conditions Where Practice Applies

Whenever construction entrance road stabilization (refer to Section 8.4.2) activities do not prevent the tracking of construction site mud, dust, or contaminants onto a public road or other paved area.

8.4.30 Soil Binders

8.4.30.1 Definition

Emulsion materials applied to exposed soil surfaces to penetrate the top soil and bind the soil particles together.

8.4.30.2 Purpose

To temporarily stabilize soils and prevent water and wind erosion of exposed soils at construction sites.

8.4.30.3 Conditions Where Practice Applies

Sprayed onto disturbed areas that require short-term protection. Typically used in areas where vegetation cannot be established, in areas where vegetation is not desired (such as soil stockpiles), or are used prior to establishment of vegetation. Often used in combination with other vegetative or perimeter BMPs to enhance erosion and sediment control.



8.5 Good Housekeeping Best Management Practices

Using the following BMPs will set the minimum criteria for control practices used within a SWPPP. Using the following guidelines in conjunction with the minimum standards outlined in previous sections will allow the designer of the SWPPP greater flexibility in selecting control practices, while complying with the requirements necessary for City ordinance requirements and State Construction General Permit requirements.

8.5.1 Construction Scheduling and Sequencing

8.5.1.1 Description and Purpose

Construction scheduling and sequencing is the development of a written plan that includes sequencing of construction activities. The schedule should include the coordination of land-disturbing activities with the installation of erosion and sediment control measures. The goal is to reduce onsite erosion and offsite sedimentation through scheduling and performing erosion and sediment control measures prior to beginning any land-disturbing activities.

8.5.1.2 Conditions Where Practice Applies

All construction projects should have proper sequencing of erosion prevention activities included in the scheduling process, especially during the rainy periods.

8.5.1.3 Implementation

1. When possible, avoid grading and soil disturbing activities in typically rainy periods.
2. Plan the project and develop the schedule showing every phase of construction. Include seasonal information establishing timeframes when rains would affect soil disturbing activities.
3. Use a schedule to plan sequential activities that support the re-stabilization of disturbed areas as soon as feasible. Sequential activities include closing current trenching prior to initiating more trenching, along with incorporating seeding and vegetation as work progresses.
4. Provide details of each BMP scheduled for implementation and use during the rainy season.
5. Include dates that have non-stormwater discharge activities such as dewatering, drilling, grinding, mortar mixing, painting, pavement cleaning, saw cutting, etc. (CASQA, 2009)
6. Schedule the stabilization activities for non-active areas to occur as soon as feasible.
7. Monitor weather forecasts.
8. Keep erosion prevention measures in place year-round to address unseasonal rainfall, wind, and vehicle tracking.
9. Schedule permanent erosion prevention measures to be performed during appropriate seasons and include establishment of vegetation during appropriate planting times.

8.5.1.4 Inspection and Maintenance

1. Verify work is proceeding according to schedule. Adjust the schedule to address any deviations in progress.
2. Maintain sediment trapping devices to keep them operational throughout the year.
3. Follow the construction sequence throughout the project and modify the schedule before any changes in construction activities are executed. Update the schedule if a site inspection indicates the need for additional erosion and sediment control.

8.5.2 Sanitary Waste Management

8.5.2.1 Description and Purpose

Proper sanitary waste management prevents the discharge of pollutants to stormwater from sanitary waste by providing convenient, well-maintained facilities, and arranging for regular service and disposal.

8.5.2.2 Conditions Where Practice Applies

Sanitary waste management practices are suitable for use at all construction sites that use temporary or portable sanitary waste systems.

8.5.2.3 Implementation

1. Only contract with a supplier of temporary sanitary waste facilities that disposes of or treats the waste in accordance with state and local requirements.
2. Locate temporary sanitary facilities away from drainage facilities, watercourses, traffic circulation, and in a convenient location.
3. When subjected to high winds or risk of high winds, secure temporary sanitary facilities to prevent overturning.
4. Do not discharge or bury wastewater within the project site.
5. Maintain sanitary facilities in good working order by a licensed service.
6. Arrange regular waste collection by a licensed hauler before facilities overflow.

8.5.2.4 Education

1. Employees, subcontractors, and suppliers will be educated on sanitary waste storage, disposal procedures, and potential dangers to humans and the environment from sanitary wastes. Maintain sediment trapping devices to keep them in operational conditions throughout the year.
2. A continuing education program will indoctrinate new employees.

8.5.2.5 Inspection and Maintenance

1. Inspect and verify that temporary sanitary facilities are in place before the commencement of construction activities. While construction activities are under way, inspect weekly.
2. Arrange for regular waste collection.
3. If high winds are expected, secure portable sanitary facilities with spikes or weighed down to prevent overturning.

8.5.3 Solid Waste Management

8.5.3.1 Description and Purpose

Solid waste management procedures and practices have been designed to prevent or reduce the discharge of pollutants to stormwater from solid or construction waste by providing designated waste collection containers, arranging for regular disposal, and training employees and subcontractors.

8.5.3.2 Conditions Where Practice Applies

1. Solid waste generated from trees and shrubs removed during land clearing, demolition of existing structures (rubble), and building construction.
2. Scrap or surplus construction wastes and building materials including scrap metals, rubber, plastic, glass pieces, packaging materials, and masonry products.
3. Domestic wastes including food containers such as beverage cans, coffee cups, paper bags, plastic wrappers, and cigarettes.

8.5.3.3 Implementation

The following steps will be done to keep a clean site and reduce stormwater pollution:

1. Use only watertight dumpsters onsite.
2. Provide an adequate number of containers with lids or covers to keep rain out and to prevent loss of wastes when it is windy.
3. Locate waste containers with liquid in a covered area or provide secondary containment.
4. Collect site litter regularly, especially during rainy and windy conditions.
5. Arrange for regular waste collection before containers overflow.
6. Clean up immediately if a container does spill.

8.5.3.4 Education

1. Prohibit littering by employees, subcontractors, and visitors.
2. Dumpsters will be located at least 50 ft. from drainage facilities and watercourses and will not be in areas prone to flooding or ponding.
3. The contractor's superintendent will oversee and enforce proper solid waste management procedures and practices.
4. The contractor's superintendent will instruct employees and subcontractors on identification of solid waste and hazardous waste.
5. The contractor's superintendent will require that employees and subcontractors follow solid waste handling and storage procedures.
6. The contractor's superintendent will make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.

8.5.3.5 Inspection and Maintenance

1. The contractor's superintendent will verify that the dumpster is in before the commencement of associated activities. While activities associated with the BMP are under way, inspect weekly to verify continued BMP implementation.
2. The contractor's superintendent will inspect the construction dumpster's area regularly.
3. The contractor's superintendent will arrange for regular waste collection.

8.5.4 Material Delivery and Storage

8.5.4.1 Description and Purpose

Prevent, reduce, or eliminate the discharge of pollutants from material delivery and storage to the stormwater system, streams, or lakes by storing materials in specifically designated areas, installing

secondary containment, conducting regular inspections, minimizing the storage of hazardous materials onsite, and training employees and subcontractors.

8.5.4.2 Conditions Where Practice Applies

These procedures will be used at all construction sites with delivery and storage of erodible, hazardous, oil based, or other polluting materials.

8.5.4.3 Implementation

The following steps will be taken to minimize risk.

8.5.4.3.1 Deliveries

1. Deliveries will be located away from traffic.
2. Material delivered and stored will be located near the site entrances (lot level near proposed drive way) and away from area or curb inlets, streams, or waterways.
3. If possible, delivery areas will be in locations that are to be paved.

8.5.4.3.2 Storage

1. Temporary storage will be located away from traffic.
2. An up-to-date inventory of all stored material will be kept.
3. Chemicals, drums, or bagged material will be on a pallet, inside a secondary containment (earthen dike, horse trough, or wading pool for non-reactive materials).
4. Chemicals will be kept in their original containers.
5. Storage sites shall be well marked and located away from drainage courses and systems. In no case should any liquid storage drum, tank, or other vessel (including portable toilets) be stored over storm drains.

8.5.4.3.3 Practices

1. An ample supply of appropriate spill cleanup material will be kept near storage areas and be accessible.
2. Drummed, barreled, or bagged materials will be indoors within existing structures when available.
3. Provide secondary containment for liquid storage areas. Containment can include any or all of the following:
 - a. Covers or canopies
 - b. Reverse grading
 - c. Area berms to contain flows
 - d. Drain pans or drop cloths to catch spills leaks when removing or changing fluids
 - e. Spill control structures
4. A temporary containment facility will:
 - a. Be designed to accommodate all pollutants amounting to or exceeding a volume of 55 gallons.
 - b. Be designed to provide for a spill of 10 percent of the total stored, or 100 percent of the capacity of the largest container, whichever is greater.
 - c. Be designed so that material used to contain a spill should be impervious to the stored material for a minimum contact time of 72 hrs.
 - d. Be maintained free of spills or accumulated rainfall.

- e. Have space between the stored material and access for emergency response.
 - f. Not store incompatible materials (i.e., ammonia and chlorine) in the same containment.
 - g. Drums, barrels, or bags stored outdoors will be tarped during non-working hours.
5. Stockpiles will be located a minimum of 50 ft. from concentrated flows in stormwater, drainage courses and unprotected inlets (area or curb)
- a. Active stockpiles will be protected in accordance with the following practices:
 - i. Runoff will be controlled using berms, dikes, fiber rolls, silt fence or other appropriate controls.
 - b. Inactive stockpiles will be protected in accordance with the following practices:
 - i. Stockpiles will be stabilized with vegetation combines with erosion control BMPs, or tarped.
 - ii. Runoff will be controlled using berms, dikes, fiber rolls, silt fence or other controls.

8.5.4.4 Education

Employees, subcontractors, and suppliers will be educated on delivery and storage procedures and their responsibilities.

8.5.4.5 Inspection and Maintenance

1. Inspections will be conducted to verify that all measures are in place and functioning.
2. Repairs and/or replacement of controls and covers as needed.

8.5.5 Street Cleaning/Sweeping

8.5.5.1 Description and Purpose

Street cleaning and maintenance includes the use of front-end loaders, shovels, and sweepers to remove tracked sediment from the streets and paved surfaces. Street cleaning prevents sediment from entering storm drains and loading sediment basins and /or receiving streams.

8.5.5.2 Conditions Where Practice Applies

Street cleaning will be done anywhere sediment is tracked from a site onto a public or private paved street or surface, typically at points of entry. Flushing sediment off the surface into the storm system will never be an acceptable practice.

8.5.5.3 Implementation

The following steps will be taken to keep the streets clean:

1. Access points will be limited and controlled; this allows cleaning efforts to be focused and effective.
2. Entrance points will be evaluated daily for track-out.
3. Visible sediment tracking will be cleaned or swept daily.
4. Kick brooms or dry sweeping will not be used; these spread dirt and generate dust.
5. If sediment is not mixed with debris or trash, it will be incorporated back into the project site.

8.5.5.4 Education

1. Employees, subcontractors, and suppliers will be educated on track-out and street cleaning procedures, and their responsibilities.
2. A continuing education program will indoctrinate new employees.

8.5.5.5 Inspection and Maintenance

The following steps will be taken:

1. Evaluate access points daily for sediment tracking.
2. When tracked or spilled sediment is found on paved surfaces, it will be removed daily. During times of heavy track-out, such as during rains, cleaning may be done several times throughout the day.
3. Unknown spills or objects will not be mixed with the sediment.
4. If sediment is mixed with other pollutants, it will be disposed of properly at an authorized landfill.

8.5.6 Vehicle and Equipment Fueling

8.5.6.1 Description and Purpose

Vehicle equipment fueling procedures and practices are designed to prevent fuel spills and leaks and to reduce or eliminate contamination of stormwater. This will be accomplished by fueling as outlined below, implementing spill controls, training employees, and requiring subcontractors to have personnel trained in proper fueling procedures.

8.5.6.2 Conditions Where Practice Applies

Fueling management practices are suitable for use at all construction sites that use fueling tanks or fueling truck systems.

8.5.6.3 Limitations

With the exception of tracked equipment such as bulldozers and large excavators, mobile construction equipment will be transported to designated fueling areas.

8.5.6.4 Implementation

1. Offsite-fueling stations will be used as much as possible.
2. "Topping-off" of fuel tanks will be discouraged.
3. Absorbent spill cleanup materials and spill kits will be available in fueling areas or on fueling trucks and will be disposed of properly after use.
4. Drip pans or absorbent pads will be used during fueling, unless the fueling is performed over an impermeable surface in a dedicated fueling area.
5. Absorbent materials will be used on small spills. Spills will not be hosed down or buried. Used adsorbent materials will be removed promptly and disposed of properly.
6. Fueling will take place in areas protected from stormwater run-on and runoff and will be located at least 50 ft. away from downstream drainage facilities and watercourses. Designated fueling areas will be identified in the SWPPP.

7. Protect fueling areas with berms or dikes to prevent run-on, runoff, and to contain spills.
8. Nozzles used in fueling will be equipped with an automatic shutoff to control drips. Fueling operations will not be left unattended.
9. All requirements will be observed for any stationary above ground storage tanks.

8.5.6.5 Education

1. Employees, subcontractors, and suppliers will be educated on vehicle equipment fueling, spill cleanup, disposal procedures, and the potential dangers to the environment.
2. A continuing education program will indoctrinate new employees.

8.5.6.6 Inspection and Maintenance

1. Vehicles and equipment will be routinely inspected for leaks. Leaks will be repaired immediately, or problem vehicles or equipment will be removed from the project site.
2. An ample supply of spill cleanup materials will be available. All fuel tanks must have secondary containment.
3. Spills will be cleaned up immediately, and contaminated soil and cleanup materials will be properly disposed of. If mobile fueling operation is used, supplier will have spill equipment and procedures on the truck. If stationary fuel storage is used, the Site Manager will have the equipment and procedures onsite.

8.5.7 Concrete Washout

8.5.7.1 Description and Purpose

A concrete washout is an area used to contain concrete and liquids resulting from cleaning of equipment used to transport and place cementitious material. The purpose of a concrete washout area is to capture and consolidate cementitious liquids and to prevent migration of the material to surface water and groundwater as to prevent environmental and human health impacts. In addition, concrete washout areas make it possible to recycle the collected liquids and solids for reuse.

8.5.7.2 Conditions Where Practice Applies

Concrete washouts should be used at all sites where equipment used to deliver, mix, or place cementitious material (including concrete, mortar, plaster, stucco, grout, or similar material) is being used and subsequently cleaned/washed onsite. Washed equipment can include, but is not limited to, concrete truck drums and chutes, hoppers, wheelbarrows, and hand tools.

8.5.7.3 Design Criteria

1. The concrete washout area should meet all local, state, and federal stormwater quality requirements.
2. The use of the washout facility should be temporary and shall be regularly monitored for capacity. The facility is to be designed with sufficient size and quantity as to contain all liquids generated by washout operations.
3. Concrete washouts should be placed near a location where concrete is being placed, in an accessible and convenient location for concrete trucks and equipment. On larger construction sites, multiple concrete washouts may be required. Signage should be used to indicate the location of the concrete washout(s). Ingress/egress to these locations shall be maintained.

4. Large washout facilities shall be constructed with stabilized construction entrances per Section 8.4.2. If applicable, construction entrances shall be graded such that water generated on the stabilized entrance shall flow toward the washout facility.
5. The washout shall not be located within 50 ft. of storm drains, open ditches/swales, or waterbodies.
6. Concrete washouts can be:
 - a. Lined excavated pits in the ground or aboveground lined holding areas constructed of berms, sandbags, or straw bales
 - b. Commercially manufactured prefabricated containers

8.5.7.4 Construction Guidelines

1. Below grade holding areas shall:
 - a. Be lined with an impermeable liner with a minimum thickness of 10-mil.
 - b. Be designed to contain all liquids generated by washout operations.
 - c. Include a soil base free of rocks and sharp objects that could compromise the integrity of the liner.
 - d. Have a minimum of 10 ft. by 10 ft. flat area at the bottom and a minimum of 3 ft. high sloped embankments.
2. Above-ground holding areas shall:
 - a. Be lined with an impermeable liner with a minimum thickness of 10-mil.
 - b. Be designed to contain all liquids generated by washout operations.
 - c. Include a soil base free of rocks and sharp objects that could compromise the integrity of the liner.
 - d. Hay bales shall be used along the perimeter of the facility. The plastic lining shall be wrapped over the top of the hay bale and the hay bale and liner shall be properly anchored.
3. Commercially manufactured prefabricated containers shall be used and maintained in accordance with manufacturer's directions. They should be properly sized to accommodate the flows generated by washout operations. Common container types include:
 - a. Vinyl washout containers
 - b. Metal washout containers
 - c. Chute washout boxes
 - d. Chute washout bucket and pumps
4. Concrete washout filters can be used with the intent of recycling washout materials and should be used in conjunction with a containment facility listed above.

8.5.7.5 Inspection and Maintenance

1. Concrete washout areas should be inspected regularly to verify adequate capacity and integrity of the containment. The washout area must be cleaned, or a new washout area be ready for use when the existing washout capacity reaches 75-percent full. Additionally, the following inspections shall take place weekly at a minimum:

- a. Above and below-ground holding areas:
 - i. Check that the liner is free of punctures, holes, and tears
 - ii. Confirm that the hay bales and liner are adequately anchored.
2. For above and below grade storage facilities and other commercially manufactured containment structures:
 - a. Allow liquids to evaporate or vacuum off excess liquids. Vacuumed liquids shall be treated to remove metals and reduce the pH and then conveyed/delivered to the wastewater treatment plant for treatment or other acceptable means of disposal.
 - b. Remove hardened solids by breaking up solids as necessary.
 - c. Dispose of hardened materials to the landfill or recycle.
3. If recycling of material is desired, the following may be considered:
 - a. Cementitious material remaining inside the truck after delivery shall be taken back to the ready-mix plant for reuse in other concrete structures or dumped and allowed to hardened so it can be crushed and recycled as aggregate.
 - b. When using concrete washout filters, treated wash water can be reused as wash water for subsequent equipment or as material for making new concrete. The aggregates, sands, and fines can be used on the construction site as needed or returned to the ready-mix plant for reuse in new concrete.
 - c. Hardened concrete can be crushed and reused as a construction material.

8.6 SWPPP Inspection and Maintenance Procedures

8.6.1.1 Inspection and Maintenance Requirements

1. SWPPP plans submitted for approval must include placement of the following statement: “All sediment and erosion control practices will be inspected and documented at least once every 14 calendar days and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period by qualified personnel. Any necessary repairs or cleanup to maintain the effectiveness of the best management practices must be made within 7 days or prior to the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the inspection report and alternative BMPs must be implemented as soon as possible. Failure to provide current inspection records is a violation of the SWPPP requirements and the person responsible will be subject to penalties, fines, or fees.”
2. Inspections should be conducted by Qualified Personnel who are knowledgeable in the principles and practices of erosion and sediment control. Qualified personnel should possess the technical skills to assess conditions at the construction site that could impact stormwater quality and assess the effectiveness of any erosion and sediment control measures selected.
3. A log of these inspections must be retained with the SWPPP, along with photographs or other supporting information. Any deficiencies must be noted in an inspection report and include any action taken to correct the deficiency. Inspection reports and follow-up documentation regarding violations and associated corrective actions must be submitted to the City.
4. At a minimum, the inspection report must include:
 - a. The inspection time and date
 - b. Names and titles of personnel making the inspection

- c. Weather information for the period since the last inspection (or since commencement of construction activity if this is the first inspection) including a best estimate using publicly accessible data of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred
 - d. Weather information and a description of any discharges occurring at the time of the inspection
 - e. Location(s) of discharges of sediment or other pollutants from the site
 - f. Location(s) of BMPs that need to be maintained
 - g. Location(s) of BMPs that failed to operate as designed or proved inadequate
 - h. Monitoring results if requested
 - i. Records of grading activity since last inspection
 - j. Location(s) where additional BMPs are needed that did not exist at the time of inspection
 - k. Corrective action that required changes to the SWPPP and the date the plan changes were implemented
5. Record keeping: The permittee must keep copies of the SWPPP, inspection records, copies of all reports required by the permit, and records of all data used to complete the NOI to be covered by the permit for a period of at least three (3) years from the date that permit coverage expires or is terminated. Records should include:
- a. A copy of the SWPPP, with any modifications
 - b. A copy of the NOI and Notice of Termination (NOT) and any stormwater-related correspondence with federal, state, and local regulatory authorities
 - c. Inspection forms, including the date, place, and time of BMP inspections
 - d. Names of inspector(s)
 - e. The date, time, exact location, and a characterization of significant observations, including spills and leaks
 - f. Records of any non-stormwater discharges
 - g. BMP maintenance and corrective actions taken at the site (Corrective Action Log)
 - h. Any documentation and correspondence related to endangered species and historic preservation requirements
 - i. Date(s) when major land-disturbing (i.e., clearing, grading, and excavating) activities occur in an area
 - j. Date(s) when construction activities are either temporarily or permanently ceased in an area
 - k. Date(s) when an area is either temporarily or permanently stabilized

8.7 References

- City of Lincoln Public Works and Utilities Department, 2007. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Mile High Flood District (formerly Urban Drainage and Flood Control District), 2016. *Urban Storm Drainage Criteria Manual*.

9. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

9.1 Overview

The physical and chemical characteristics of stormwater runoff change as urbanization occurs. As stormwater flows across roads, rooftops, and other hard surfaces, pollutants are picked up and then discharged to streams and lakes. Additionally, the increased frequency, flow rate, duration, and volume of stormwater discharges due to urbanization can result in the scouring of rivers and streams, degrading the physical integrity of aquatic habitats, stream function, and overall water quality.

The intent of this Chapter is the proper selection, design, implementation, and maintenance of post-construction stormwater quality Best Management Practices (BMPs) for new developments and redevelopment efforts. It should be noted that constructed stormwater controls may be referred to as Stormwater Treatment Facilities (STFs) and some references use these terms interchangeably. This Chapter provides information and guidance regarding the selection, design, and maintenance of selected BMPs. Implementation of BMPs is expected to reduce pollutants in stormwater runoff and receiving waters, improving the water quality and environment of the community.

9.1.1 Clean Water Act Requirements

The Federal Water Pollution Control Act of 1972, as amended is commonly known as the Clean Water Act and establishes minimum stormwater management requirements for urbanized areas in the United States. At the federal level, the EPA is responsible for administering and enforcing the requirements of the Clean Water Act. Section 402(p) of the Clean Water Act establishes minimum stormwater management requirements for urbanized areas in the United States. It requires urban and industrial stormwater be controlled through the National Pollutant Discharge Elimination System (NPDES) permit program. Requirements affect both construction and post-construction phases of development. As a result, urban areas must meet requirements of Municipal Separate Storm Sewer System (MS4) permits, and many industries and institutions must also meet NPDES stormwater permit requirements. MS4 permittees are required to develop a Stormwater Management Program that includes measurable goals and to implement stormwater management controls (i.e., BMPs). MS4 permittees are also required to assess controls and the effectiveness of their stormwater programs and to reduce the discharge of pollutants to the “maximum extent practicable.”

Although it is not the case for every state, the EPA has delegated Clean Water Act authority to the State of Nebraska. The State must meet the minimum requirements of the federal program. The state rules and regulations are promulgated under the Nebraska Environmental Protection Act, as amended (Neb. Rev. Stat. §81-1501 et seq).

9.2 Applicability

Post-construction stormwater program requirements shall be applicable to all construction activity and land developments including, but not limited to, site plan applications, subdivision applications, building applications, street projects, and right-of-way applications from the City, unless exempt below. These provisions apply to all portions of any common plan of development or sale that would cause the **disturbance of at least one acre of soil** even though multiple, separate, and distinct land development activities may occur at different times on different schedules.

Unless the master planning process has shown that stormwater treatment requirements can be transferred to a regional facility approved by the City, on-site BMPs are required for projects that disturb one acre of soil or more. Even if treatment requirements can be transferred to a regional facility, on-site facilities may still be necessary to protect downstream channels and the receiving stream.

The following activities are exempt from these requirements:

- Any emergency activity that is necessary for the immediate protection of life, property, or natural resources; and
- Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

9.3 General Planning and Design Guidelines

The following general planning and design guidelines for post-construction stormwater BMPs are recommended when developing a water quality control strategy:

- Promote natural infiltration of urban runoff by minimizing onsite impervious areas and preserving natural, broad drainageways.
- Minimize directly connected impervious areas by providing grassed buffer zones between impervious surfaces. Divert runoff from impervious areas to pervious surfaces before the flows enter surface drainageways.
- Locate BMPs in areas that avoid creating a nuisance and the need for increased maintenance.
- Provide multiple accesses to facilities to improve maintenance capabilities.
- Revegetate and/or stabilize all areas disturbed by construction activities and all drainageways created as a part of a development.
- Ensure the plantings (e.g., grass) are established before the initial owner's obligation is released and maintenance efforts begin.
- Select the appropriate option for the control objectives, specific conditions at the site, and proper implementation and maintenance for the most successful BMP.

9.3.1 Ownership and Maintenance of Best Management Practices

Proposed BMPs, along with all inlet and outlet structures and/or channels, are to be owned and maintained by the developer or a property-owners' association unless the City has approved a different ownership or maintenance arrangement. Post-construction stormwater BMPs are part of the storm drainage system and shall remain permanently functional as such unless or until the City relieves the owner of such responsibility in writing. Documentation of the BMP and owner maintenance responsibility will be made in permanent records such as a plat, agreement, or other record acceptable to the City.

9.4 Design Criteria

The City will require new and redevelopment projects to satisfy minimum site performance standards that address water quality. The methodology for calculating the Water Quality Control Volume (WQCV) and/or Water Quality Volume Discharge Rate (Qwq) is based on average daily rainfall data applied to three zones across the state (Table 9-1). From that data the runoff amount is calculated and applied to the treatment drainage area to get the WQCV or Qwq.

9.4.1 New Development

For new development sites that have a land disturbance of one acre or greater, the WQCV shall be based on the 80th percentile rainfall event, at a minimum. WQCV shall be calculated using Equation 9.1.

New development requirements apply to those areas that are being platted for development or have been platted but not built and are within the extraterritorial jurisdiction of the City:

- Example 1: A parcel that had not been platted or zoned for development (i.e., agricultural land) is being platted as a subdivision for single family residential and is greater than one acre. The subdivision would be required to meet the minimum standard set forth herein for new development.
- Example 2: Several parcels that have never been built on are being re-platted for development and the total area being re-platted is greater than one acre. The re-platted parcels would be required to follow new development standards.
- Example 3: An undeveloped parcel is being rezoned for another use and is greater than one acre. The rezoned parcel would be required to follow new development standards.
- Example 4: A warehouse has been proposed on an undeveloped parcel in an industrial area. Site disturbance is greater than one acre. The proposed development would be required to follow new development standards.

9.4.2 Redevelopment

For redevelopment sites that have land disturbance of one acre or greater, the WQCV shall be based on the 70th percentile rainfall event, at a minimum. The WQCV shall be calculated using Equation 9.1.

Redevelopment requirements apply to those areas that have been platted and built on within an urban area prior to rezoning, re-platting, preliminary platting, or issuance of a building permit for the redevelopment:

- Example 1: A parcel that included a structure that was purchased and demolished by the City or other entity was sold or deeded over to a new property owner for constructing their own building. Site disturbance is greater than one acre. This site would be required to meet the minimum standard for redevelopment.
- Example 2: A parcel with a building has been sold and is being converted into a new use with expanded parking. Site disturbance is greater than one acre. This parcel would be subject to requirements for redevelopment.

9.4.3 Percentile Rainfall Event

The percentile rainfall event varies across the state. Three regional rainfall zones have been established to support the calculation of WQCV or Qwq for MS4s in Nebraska.

Rainfall amounts by region for new and redevelopment are provided in Table 9-1. These values will be used to calculate the WQCV.

Table 9-1. Rainfall Depth (P) By Region for Defined Percentile Rainfall Events

Applicable Region	Rainfall, P	
	80th Percentile Event (New Development)	70th Percentile Event (Redevelopment)
A (West) <ul style="list-style-type: none"> • Scottsbluff/Gering 	0.61"	0.44"
B (Central) <ul style="list-style-type: none"> • Hastings • Lexington 	0.72"	0.53"
C (East) <ul style="list-style-type: none"> • Beatrice • Columbus • Fremont • Norfolk 	0.83"	0.62"

9.4.4 Minimum Design Criteria

Post-construction stormwater BMPs must be sized to handle the appropriate WQCV or Qwq to properly treat stormwater. BMPs include retention-based stormwater treatment practices that typically require or encourage using infiltration, evapotranspiration, or harvest practices to control a specified volume of stormwater.

9.4.4.1 Water Quality Control Volume

Design criteria to meet minimum site performance standards for new and redevelopment are expressed as the runoff from a specified percentile rainfall event applied across the treatment drainage area. The minimum WQCV for new and redevelopment can be calculated as follows:

$$WQCV = P \times (0.05 + 0.009 \times \%Imp) \times A \times 1/12 \times 43,560$$

Where:

$$WQCV = \text{Water Quality Control Volume, cubic feet}$$

$$P = \text{Rainfall Depth, inches}$$

$$A = \text{Treatment Drainage Area, acres}$$

$$\%Imp = \text{Maximum Percent Impervious Expressed as a Whole Number (1)}$$

(1) The maximum percent imperviousness should be selected for the proposed zoning type if established by the City. If these values are not established by the zoning regulations, maximum percent imperviousness should be selected according to the percent impervious for urban districts and residential districts by average lot sizes provided in Chapter 2, Table 2.7 within the NRCS Curve Number Method procedure.

The following example illustrates use of the WQCV equation:

Example 1) A 4.2-acre parcel was purchased to construct a storage facility. The parcel is one of four in a new development that was zoned limited industrial district (M-I). Light industrial zoning has a maximum impervious percentage of 90 percent. On that parcel, 2.4 acres will be disturbed to construct the facility. An additional 0.4 acres, also zoned M-I, drain directly onto the site from adjacent property. The WQCV for the site is calculated as follows:

$$WQCV = 0.72 \times (0.05 + 0.009 \times 90) \times (2.4 + 0.4) \times 1/12 \times 43,560 = 6,294 \text{ cubic feet}$$

If there are multiple land uses within the treatment drainage area, the effective maximum percent imperviousness should be weighted based on the area of each zone as a percentage of the total area.

Stormwater runoff from all disturbed areas shall be treated before leaving the site. The treatment drainage area shall include all disturbed areas on the site and upstream drainage or “run-on” unless the run-on is diverted or bypasses the disturbed site (i.e., by pipe or swale) so that BMPs are not overwhelmed. BMPs may be distributed across the site to provide the required treatment.

Additional storage in the BMP may be allowed, depending on the type of BMP selected, to address stormwater detention requirements to control runoff from larger storm events such as the 2-, 10-, or 100-year event as described in Chapter 7.

9.4.4.2 Storage Volume

Storage volume of BMPs shall be adequate to hold the WQCV. To maintain the design WQCV, proper implementation of site erosion and sediment measures is necessary to prevent clogging and failure of Structural BMPs. Phasing is also critical as Structural BMPs should typically be the last infrastructure constructed.

9.4.4.3 Water Quality Volume Discharge Rate

BMPs that are sized based on a flow rate (i.e., swales, filter strips, manufactured systems, etc.) shall use the water quality volume discharge rate (Qwq). The Qwq is the peak runoff from the design water quality volume rainfall event. This peak runoff equivalent shall be calculated using the Natural Resources Conservation Service (NRCS) Curve Number (CN) procedure. The calculation is based on the 80th percentile rainfall event depth by region, a 24-hour duration storm event, and a time of concentration of 5 minutes. The area used is the impervious surface only within the treatment drainage area.

Table 9-2 has been prepared to provide the Qwq in each Region for sites with up to 6 acres of impervious area. These values shall be used to size BMPs for the area of impervious surface within a given treatment drainage area. For sites greater than 6 acres, the designer shall use the methods and criteria specified above in a suitable model to calculate the discharge rate.

Table 9-2. Water Quality Discharge Rate (Qwq) for Selected Impervious Areas by Region

Impervious Area (Acres)	Qwq (cfs)			Impervious Area (Acres)	Qwq (cfs)			Impervious Area (Acres)	Qwq (cfs)		
	West	Central	East		West	Central	East		West	Central	East
0.2	0.1	0.2	0.2	2.2	1.5	1.9	2.2	4.2	2.9	3.6	4.2
0.4	0.3	0.3	0.4	2.4	1.6	2.0	2.4	4.4	3.0	3.7	4.4
0.6	0.4	0.5	0.6	2.6	1.8	2.2	2.6	4.6	3.2	3.9	4.6
0.8	0.5	0.7	0.8	2.8	1.9	2.4	2.8	4.8	3.3	4.1	4.8
1.0	0.7	0.8	1.0	3.0	2.1	2.5	3.0	5.0	3.4	4.2	5.0
1.2	0.8	1.0	1.2	3.2	2.2	2.7	3.2	5.2	3.6	4.4	5.2
1.4	1.0	1.2	1.4	3.4	2.3	2.9	3.4	5.4	3.7	4.6	5.4
1.6	1.1	1.4	1.6	3.6	2.5	3.0	3.6	5.6	3.8	4.7	5.6
1.8	1.2	1.5	1.8	3.8	2.6	3.2	3.8	5.8	4.0	4.9	5.8
2.0	1.4	1.7	2.0	4.0	2.7	3.4	4.0	6.0	4.1	5.1	6.0

9.4.4.4 Infiltration and Release Rates

For facilities that function just for water quality control, the WQCV will be stored for a duration between 24 and 40 hours. For facilities that combine water quality control with flood control, the runoff from the design storms for the flood control criteria shall be “stacked” on top of the WQCV. In this case, the facility shall be drained within 72 hours. These types of facilities may be required to have multi-stage control structures to control runoff from the WQCV, as well as the flood control design storms. Refer to Chapter 7 for further guidance.

For BMPs that are designed for subsurface storage (e.g., pervious pavements, underground stormwater chambers, etc.), the subsurface storage must hold the WQCV for the required period and release or infiltrate into the underlying soil.

Infiltration tests shall be done to determine the local infiltration rates if infiltration is a critical part of the Structural BMP facility. An underdrain is needed if the infiltration rate is inadequate or if infiltration is not desired, as well as for maintenance and cleanout purposes.

9.5 Platting and Site Plan Review

Land development that meets the land disturbance criteria of this memorandum must address storm water runoff quality through the use of BMPs. BMPs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

9.5.1 Procedures

9.5.1.1 Platting

For major subdivision applications, drainage and post-construction shall be discussed at the pre-application conference. This would be followed by an initial review of the general design at the preliminary platting stage and detailed design carrying over into final design review.

The plat applicant shall identify, through the Subdivision Agreement or other City-approved means, whether post-construction stormwater management facilities will be (1) constructed by each lot owner on their own lot (Lot Level BMPs); (2) constructed for the subdivision by the developer with reimbursement sought from individual lot builders (Neighborhood BMPs); (3) mitigated off-site at regional facilities (Regional BMPs), or (4) addressed by other means approved by the City. Any other conditions agreed to between the two parties, including inspections, maintenance, and funding of maintenance, shall be included in that agreement.

9.5.1.2 Building Permits

If Lot Level BMPs are required per the Subdivision Agreement or other agreement, then the lot builder will need to develop and have approved a drainage study, post-construction stormwater management plan, and maintenance agreement. A maintenance agreement for an individual lot shall include provisions for maintenance that shall be binding on all subsequent owners.

9.5.2 Submittals

The PCSMP submittal will include the following components: plans, calculations, certifications of permanent BMPs, ongoing inspection and maintenance of BMPs, and PCSMP submittal checklist.

9.5.2.1 Plans

Plans showing topographic survey information, along with proposed, grading, stormwater infrastructure (including BMPs), pavement, and structures, shall accompany any PCSMP submittal. Specifically, plans shall include the following information:

- Site topography including existing contours, property lines and easements, utilities, and site features such as existing water bodies, trees and shrubs, pavement and other structures
- Proposed contours
- Proposed inlets, storm sewer, culverts, and drainageways
- Proposed BMPs and/or detention facilities
- Proposed roadways, parking, building footprints, and other structures

Construction drawings shall provide a table that includes, for each BMP, (1) a location identifier, (2) the type of BMP, (3) the location for each BMP in latitude/longitude format, (4) the drainage area, and (5) the water quality volume/water quality volume discharge rate. The designer shall differentiate between the amount required by design and the amount that will be provided. Any discrepancies should be discussed with and approved by the City. The information shall be provided on drawings in a format that is consistent with the following:

BMP Identification Number	BMP Type	BMP Location (Lat/Long)	Drainage Area (Acres)	Design WQCV (cu ft) or Qwq (cfs)	WQCV (cu ft) or Qwq (cfs) Provided

9.5.2.2 Calculations

All calculations for water quality volume and water quality volume discharge rate shall be submitted to the City as part of the site development drainage study. Calculations shall be completed as described herein for the appropriate BMPs. Design criteria specific to the various BMPs shall also be shown in the drainage study (i.e., calculations for drain down and infiltration).

When combining stormwater detention with BMPs, the designer shall provide calculations that address both water quality volume and stormwater detention requirements using methodology found in Chapter 7 of this manual.

BMPs shall be clearly shown on the drainage map, along with other stormwater infrastructure and drainage basin boundaries.

9.5.2.3 Certification of Permanent BMPs

Upon completion of a project, the City shall be provided a written certification, by qualified personnel, stating that the completed project is in compliance with the approved Final Drainage Plan. Qualified personnel shall be a professional civil engineer licensed in the State of Nebraska or person(s) under the direct supervision of a professional engineer licensed in the State of Nebraska.

For commercial and industrial construction, certification will be required before a Certificate of Occupancy is granted (unless authorized by the City). All applicants shall submit “as built” plans certified by a professional engineer licensed in the State of Nebraska once final construction is completed. A final inspection by the City of all post-construction BMPs shall be required before a Certificate of Occupancy will be issued or any public infrastructure is accepted.

9.5.2.4 Ongoing Inspection and Maintenance of BMPs

A maintenance agreement will be required by the developer or builder for proposed BMPs. The maintenance agreement shall include provisions that outline regular maintenance activity, and a schedule of periodic inspections by the Owner or Designees. Inspection frequency shall be consistent with the design criteria manual used and generally includes quarterly inspections during the first year of establishment following construction and annually thereafter.

The Owner or Designees providing routine inspections shall document all inspections and maintenance and repair needs to ensure compliance with the requirements of the agreement and the plan. The agreement shall allow access to City personnel for inspection and maintenance should the owner default in their responsibilities with the intent to invoice the owner for said work, if needed. The Owner shall provide the City information about inspections and maintenance upon request.

9.5.2.5 PCSMP Submittal Checklist

A PCSMP checklist shall be submitted with design plans and be recorded by the City with the project record. The PCSMP checklist can be provided by the City and may be used for reference by developers, designers, and builders.

9.5.3 Off-Site Stormwater Mitigation

In some cases, it may not be practicable to provide the required treatment within project limits due to various constraints such as site limitations, costs, or other obstacles. If shown by the Owner that it is not practicable, off-site mitigation may be allowed at the discretion of the City.

Offsite mitigation may be provided by a private landowner in a City-approved stormwater treatment facility or within a City-approved publicly owned stormwater treatment facility provided the proposed mitigation location meets the following minimum criteria.

- A drainage study confirms that the proposed mitigation location provides excess stormwater treatment that is not required to provide treatment for the drainage area.
- The excess treatment capacity in the proposed mitigation location is not already providing mitigation of required stormwater treatment for another development or redevelopment project.
- The owner of the proposed mitigation location maintains or enters into a maintenance agreement that shall be binding on all subsequent owners and includes all required inspection and maintenance requirements for stormwater treatment practices.

Offsite mitigation requires additional documentation, tracking of water quality debits/credits and an additional fee structure to fund any available BMPs. For these reasons offsite mitigation may or may not be available so the City should be consulted to determine if offsite mitigation is available.

9.6 Post-Construction Stormwater BMPs

BMPs shall be designed using an approved design guidance manual that provides minimum design criteria and considerations. A selection of regional design guides is recommended for design within the City. The most recent versions of the following design guides and manuals are approved for general use in the design of BMPs:

- City of Omaha, “Omaha Regional Stormwater Design Manual – Chapter 8: Stormwater Best Management Practices”
- City of Lincoln, “Drainage Criteria Manual - Chapter 8: Stormwater Best Management Practices”

- NDOR, “Drainage and Erosion Control Manual – Chapter 3: Stormwater Treatment within MS4 Communities”
- Mile High Flood District (formerly Urban Drainage and Flood Control District), “Urban Storm Drainage Criteria Manual, Volume 3: Best Management Practices”

The designer is encouraged to adopt one design guide/manual for use on a project to the extent practicable. Other approved design guides and manuals may be used if design criteria for the desired BMP are not provided in the primary design guide/manual. Any variances from these manuals will require approval of the City. The City may evaluate the suitability of other types of BMPs not referenced in the approved design guides and manuals on a case-by-case basis.

The designer shall discuss the use of the alternative design guidance manuals before starting design along with any variance in BMP design. The designer shall also discuss other requirements for stormwater management within the City including the potential need for stormwater detention. Where one manual conflicts with another, the Engineer shall use sound, cost-effective design practices to resolve the issue. The following minimum design standards are provided to help resolve some identified conflicts.

9.6.1 BMP Selection

Each design guidance manual includes a unique selection of BMPs and what is included in one may not be included in another. Furthermore, two manuals may use different names for BMPs with the same or similar function. The function, criteria, and considerations of a specific BMP is what shall be used to determine its use by a design engineer. Table 9-3 provides a general comparison of the types of BMPs included in the approved design guidance manuals.

Table 9-3. BMP Design Guidance for Various Regulatory Agencies

BMP Type	Omaha	Lincoln	NDOR	UDFCD
Vegetated Filter Strip	X		X	X
Grass Swale	X		X	X
Infiltration Trench			X	
Infiltration Basin			X	
Bioretention Basin	X	X	X	X
Media Filter			X	
Sand Filter				X
Extended Dry Detention	X	X	X	X
Wet Detention Ponds	X	X	X	X
Stormwater Wetland	X	X	X	X
Underground Detention		X		X
Pervious Pavement	X	X	X	X
Proprietary Structural Treatment Controls	X		X	X
Green Roofs	X	X		X
Soil Conditioning	X			

NOTE: All BMPs must be sized using WQCV or Qwq design criteria provided in Section 9.4 of this Chapter.

9.7 Maintenance of Controls

BMPs located on private property shall be owned and operated by the owner(s) of the property on which the BMP is located; unless the City agrees in writing that a person or entity other than the Owner shall own or operate such BMP. As a condition of approval of the BMP, the Owner shall also maintain the BMP in perpetuity to its design capacity unless or until the City shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP shall have been memorialized on a subdivision plat, annexation plat, development agreement, subdivision agreement, or other form acceptable to the City and recorded by the City with the project records.

The City shall continue to maintain public storm sewer infrastructure including public BMPs. Each homeowner's association of a subdivision or individual lot owner shall maintain post-construction BMPs. When the City constructs public infrastructure improvements, such as with the widening of a major arterial or other public improvement, the City shall take responsibility for maintenance of the BMP unless otherwise specified in a maintenance agreement.

9.8 Landscaping

The following resources have been provided to assist in the design of landscaping for a project. It is strongly suggested that a landscape architect or designer assist with plant selection and landscape design.

- UNL Extension, *Stormwater Management: Plant Selection for Rain Gardens in Nebraska*
- UNL Extension, *Nebraska Bioretention and Rain Garden Plants Guide*
- NDOR, *Plan for the Roadside Environment*
- NDOR, *Roadside Flowers and Grasses*
- NDOR, *Roadside Vegetation Establishment and Maintenance*
- Nebraska Statewide Arboretum, Fall 2008. *The Seed*

These documents may contain other references to sources that may be helpful in plant selection and suitability for use with BMPs. Keep in mind regional difference in your selection of plants, along with differences in soil, light, and moisture within the stormwater BMP itself.

9.9 References

- City of Lincoln Public Works and Utilities Department, 2014. *Drainage Criteria Manual*.
- City of Omaha Environmental Quality Control Division, 2014. *Omaha Regional Stormwater Design Manual*.
- Iowa Department of Natural Resources, 2009. *Iowa Storm Water Management Manual*.
- Nebraska H₂O, 2015. *Final Post-Construction Stormwater Program Design Standards and Procedures Memorandum*.
- Mile High Flood District (formerly Urban Drainage and Flood Control District), 2016. *Urban Storm Drainage Criteria Manual*.

RESOLUTION NUMBER 6641

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the community to adopt a general safety manual to establish general safety guidelines, standards, and methods applicable to City staff.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the **Safety Manual**, marked as Exhibit "A", attached hereto and incorporated hereby by reference, be and is hereby adopted.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 16th day of November, 2020.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor

CITY SAFETY MANUAL



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Section 1 - Overview of Safety Program

101 Written Plan

This Safety Manual shall apply to employees of the Administration, Community Development Department, Library, and Public Properties Department for the City of Beatrice. In addition to the rules and procedures set forth herein specific departments may have additional safety rules or procedures that apply to their department. The safety standards set forth in this manual must be followed by all employees for the City/BPW to be successful and to protect the safety of themselves, their coworkers, and the general public. It is important that employees be constantly on the alert for potential hazards which are not referred to in any written procedures, but which may result in injury or property damage. While no plan can guarantee an accident free work place, following the safety procedures set forth in this manual will significantly reduce the risk of danger to all employees.

Supervisor, as used throughout this Safety Manual refers to Department Head, Superintendent, Foreman, Chief, or Director.

102 Safety Program Goals

The objective of the City/BPW Safety Manual is to reduce the number of work-related injuries and illnesses to an absolute minimum and protect the property of the City/BPW, its customers, and citizens of Beatrice from accidental damage or destruction.

103 Safety Strategy Statement

1. It is the strategy of the City/BPW that accident prevention shall be considered a primary importance in all phases of operation and administration. It is the intention of the City/BPW to provide safe and healthy working conditions and to establish and insist upon safe practices at all times by all employees.
2. The prevention of accidents is an objective affecting all levels of the City/BPW and its operations. It is a basic requirement that each Supervisor make the safety of all employees an integral part of his/her regular management function. It is equally the duty of each employee to accept and follow established safety regulations and procedures.
3. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job or task safely it is his/her duty to ask a qualified person for assistance. Employees are expected to assist in accident prevention activities. Unsafe conditions must be reported immediately. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs.
4. Every injury that occurs on the job, even a slight cut or strain, must be reported as soon as possible. Employees are encouraged to report injuries to their Supervisor as soon as possible after the injury was sustained and submit a City/BPW injury report within twenty-four (24) hours.

104 Safety Committee

The contract between the City and the IBEW Union establishes a Safety Committee and sets forth the makeup of the committee. The responsibilities of the Safety Committee shall include:

1. Develop and implement a safety program detailing the rules of safe practices within the City/BPW.
2. Review and update safety rules and safe operating procedures.
3. Review accidents and “near miss” incidents reported since the last meeting, and suggest means for preventing future occurrences.
4. Convey, review, and comment on safety suggestions submitted by employees.
5. Develop and implement a system to encourage employees to report unsafe conditions immediately.
6. Promote safety awareness among all employees through safe attitudes and day-to-day interactions.
7. Make safety inspections of shops, warehouses, offices, and job sites to determine if safe work practices are being observed and ensure that unsafe conditions do not exist.
8. Develop and implement a program of employee safety education.
9. Discuss the City/BPW’s proposed safety equipment purchases and programs for hazard identification and mitigation.
10. Maintain records of training, periodic inspections, corrective actions, and investigations as required by law.

105 Agreement to Participate

The information in this manual constitutes a written safety program. While the City/BPW cannot anticipate every workplace hazard, the general principles included in this program should guide the conduct of all City/BPW employees.

Each full-time employee shall be provided a copy of the safety program and it shall be the employee’s responsibility to understand and follow the safety rules of this manual which apply to the work he/she is performing. Employees share with the City/BPW the responsibility for their own safety, their fellow workers, and the general public.

All employees are expected to study this manual, discuss workplace situations with their Supervisor, participate in accident investigations as requested, and attend all City/BPW sponsored training and safety meetings.

106 Training

Employee safety training is another requirement of an effective safety program. While the City/BPW believes in skills training we also want to emphasize safety training. All employees should start the safety training by reading this manual and discussing any problems or safety concerns with their Supervisor. Employees who have training needs or suggestions for future training programs should notify their Supervisor.

Section 2 – General Safety

201 General Rules

The following general safety procedures are established:

1. All employees shall follow the safety practices and rules contained in this manual and such other rules and practices communicated on the job. Employees must learn the approved safe practices and procedures that apply to their work. All employees shall report all unsafe conditions or practices and violations of this safety manual to their Supervisor and if corrective action is not taken immediately, to the City Administrator.
2. Before beginning special work or new assignments, an employee should review applicable and appropriate safety rules.
3. If an employee has any questions about how a task should be done safely, he/she is under instruction **NOT** to begin the task until he/she discusses the situation with his/her Supervisor. Together, they will determine the safe way to do the job.
4. Report all injuries, regardless of how minor, to your Supervisor immediately. This must be done whether or not the injury resulted in medical treatment or time lost from work. Prompt reporting of accidents is a requirement under Federal Law and Worker's Compensation Law and failure to report in a timely manner could jeopardize your rights and benefits. After each medical appointment resulting from a work-related injury, you must contact your Supervisor to discuss your progress. You must also give your Supervisor any paperwork that you received at the appointment.
5. Maintain good posture in all activities.
6. The Supervisor shall be responsible for implementing these policies by insisting that employees observe and obey all rules and regulations necessary to maintain a safe work place and safe work habits and practices.
7. Employees will not be disciplined or suffer any retaliation for reporting a safety violation in good faith; however, failure to report a situation which an employee knows or reasonably should have known to be unsafe can result in disciplinary action.
8. Good housekeeping must be practiced at all times in the work area. Clean up all waste and eliminate any dangers in the work area.
9. Suitable clothing and footwear must be worn at all times. Personal protection equipment (hardhats, respirators, eye protection, ear protection, etc.) will be worn whenever needed.
10. Wear Personal Protective Equipment (PPE) as required. Its use will be enforced. Inspect PPE prior to each use. Do not use damaged PPE. You are required to maintain and keep PPE clean.
11. All committee members will participate in safety meetings as scheduled by the Safety Committee.
12. Consumption of illegal drugs or alcohol on the job is prohibited. Any employee reporting to work under the influence during working hours shall be subject to disciplinary action. Additionally, the possession of illegal drugs or alcohol on City/BPW property or on City/BPW time are forbidden.
13. Anyone under the influence of prescription drugs which might impair motor skills and judgment, shall not be allowed on the job.

14. Horseplay, scuffling, and other acts which tend to have an adverse influence on safety or the well-being of other employees are prohibited.
15. Work shall be well planned and supervised to avoid injuries in the handling of heavy materials and while using equipment.
16. Keep yourself in good physical condition to do a day's work.
17. Always inspect tools and equipment before use. Report defects to Supervisors and other potential users.
18. Do not use tools and equipment that are defective. Tag tools that are in need of repair so that fellow employees are aware of the defect.
19. Work clear of suspended loads; if a load is moved above where you are working, stand aside until it has passed by.
20. Obey warning tags and signs. They are posted to point out hazards.
21. Operate only the machinery or equipment you have been authorized and trained to operate safely.
22. Unless medically necessary, remove jewelry such as rings, identification bracelets, etc., in work involving climbing, materials handling or operation of mechanical equipment.
23. Never reach over moving parts of machinery or equipment.
24. Never operate machinery or equipment with guards removed.
25. Confined Space Entry – Only trained and authorized employees are permitted to enter confined spaces. If you believe that your job requires confined space entry, contact your Supervisor prior to undertaking the work. (Confined spaces are areas not meant for human occupancy, have limited means of entry/exit, and have electrical, chemical, thermal, atmosphere, or entrapment hazards).
26. **NO EMPLOYEE IS EVER REQUIRED** to perform work that he/she believes is unsafe, or that he/she think is likely to cause injury or a health risk to themselves or others.

202 Emergency Action Plan

GENERAL EMERGENCY GUIDELINES:

- Stay calm and think through your actions
- Call 911 for Fire/Police/Ambulance:
- Know where the stairwell exits are located
- Do not hesitate to call/alert others if you believe that an emergency is occurring.

FIRE:

- Upon discovering a fire, call 911.
- Alert other persons in the immediate hazard area.
- If you have been trained, you can decide to use a fire extinguisher.
- Upon becoming aware of a fire, employees should immediately evacuate the building using the closest exit. Do not delay evacuation to get personal belongings or to wait for co-workers. Also, all doors should be closed as the last person passes through.
- Supervisors should be the last persons to leave the area. Check in conference rooms, lavatories, and offices to be sure that all personnel have evacuated.
- Upon exiting the building, personnel should report to their predetermined meeting location for a headcount. Supervisors shall conduct a head count to account for all employees in their department.

- If any employee is missing, an immediate report should be made to the Fire Department
- Employees should stay together in a group so that periodic updates on the situation can be issued.
- The order to re-occupy the building will be issued by your Supervisor.
- In the event of inclement weather, the Supervisor will make arrangements for all personnel to move to shelter.

MEDICAL EMERGENCY: (chest pains, loss of consciousness, fall from a height, etc.)

- Upon discovering a medical emergency, call 911.
- Stay with the person involved being careful not to come in contact with any bodily fluids, unless properly trained and equipped.
- Employees in the immediate vicinity of the emergency, but not directly involved, should leave the area.
- The Department Head, Superintendent, or City Administrator will make any necessary notifications to family members of the person suffering the medical emergency.

SEVERE WEATHER:

- Supervisors will monitor the weather. If a severe weather report is issued, he/she will immediately notify his/her department.
- Employees will shut down their equipment and will be instructed where to go for safety.
- When the severe weather warning is cancelled, the Supervisor will advise that it is safe to return to work.

WORKPLACE VIOLENCE:

- Any employee who feels that he/she has been threatened should immediately report their concern to their Supervisor and to the City Administrator.
- If any person is observed exhibiting threatening behavior or making threatening statements, the person discovering the situation should warn others in the area and immediately notify their Supervisor and the City Administrator and stay away from the person exhibiting threatening behavior.
- Depending upon the level of concern, the Beatrice Police Department (911) should be called immediately.
- Never attempt to confront any person exhibiting threatening behavior.
- If you have reason to believe that events in your personal life could result in acts of violence occurring at work, you are urged to confidentially discuss the issue with your Supervisor and the City Administrator so that a prevention plan can be developed.

203 Housekeeping

Aside from the accident prevention benefits, good housekeeping means efficient performance. When materials, tools and equipment all have a place for orderly storage, and are returned to the proper place after use, they are easier to find and easier to inspect for damage and wear.

The following safety procedures are established:

1. Keep work areas and storage facilities clean, neat, and orderly.
2. All aisles, stairways, passageways, exits, and access ways to buildings must be kept free from obstructions at all times. All grease and water spills must be removed from traffic areas at once.
3. Do not place supplies on top of lockers unless a load rating has been established. Boxes, or other movable containers must not be stored at a height where they are not visible from the floor.
4. When piling materials for storage, make sure the base is firm and level. Cross tie each layer. Keep piles level and not stacked too high. Keep aisles clear and with adequate space to work in them. Chain or secure standing items.
5. When stored materials are suspended from racks or hooks, secure them from falling and route walkways a safe distance away from the potential hazard.
6. When storing materials overhead on balconies, provide adequate toe boards to prevent objects from rolling over the edge. Balconies, mezzanines and overhead decks for storage should have floor load ratings posted.
7. Do not let soft drink bottles, soiled clothes, etc., accumulate in lockers and work places.
8. Tools, equipment and work areas are to be maintained in a clean and safe manner. Defects and unsafe conditions must be reported to your Supervisor.
9. Return tools and equipment to their proper place when not in use.
10. Lay out extension cords, air hoses, ladders, pipes, tools, etc., in such a way as to eliminate tripping hazards or obstructions to traffic.
11. Clean up spills immediately to avoid slipping hazards. In the event the removal cannot be done immediately, the area must be appropriately guarded, signed or roped off.
12. Sharp or pointed articles should be stored to prevent persons from coming in contact with the sharp edges or points.
13. All packing materials should be properly disposed of to prevent fire.
14. Oily and greasy rags must be stored in appropriate containers.
15. Adequate lighting in obscure areas must be maintained for the protection of both employees and public.
16. Employees should not handle food, tobacco, etc., with gasoline or fuel, chemicals or waste on their hands.
17. A lock out/tag out procedure must be instituted to assure that electrical power or any other stored hazardous energy is isolated, locked out, blocked out, on all machines or equipment before cleaning, greasing, oiling or making adjustments or repairs. All guards must be replaced after servicing.
18. Control panel circuit breaker or fuse boxes should be kept closed at all times and at least three feet clear of obstructions and debris. Never block or obscure fire extinguishers and electrical boxes.
19. Extension cords should not be run across aisles or through oil or water. Cords should be properly sized for required load, inspected for kinks, worn insulation, and exposed strands of wire before use. If a defect is found in the cord properly dispose of it at the Hazardous Product Center. Do not use cords that have had the grounding plug removed.

20. When circuit breakers or fuses blow continually, it is an indication of an overload or short. Reset the breaker or replace the fuse once. If it blows again report the condition to your Supervisor. Do not attempt to bypass or repair the circuit yourself.
21. When chemicals are not being utilized, they should be returned to their designated areas. Compatibility of all chemicals and/or waste must be checked. Proper segregation is crucial to safety. Verify compatibility and segregate all chemicals/wastes accordingly.
22. All containers of hazardous chemicals, entering or leaving the workplace, shall be labeled to show the identity of the hazardous chemical, appropriate hazard warnings (e.g. flammable, corrosive), and the name and address of the manufacturer, distributor or importer. The label may also include picture symbols that help to identify the hazard, and show the proper personal safety equipment needed when working with the chemical. All containers (either in use or waste containers) must be labeled properly. All drums must be labeled properly in the upper third portion under the largest bung, then stored under cover.
23. Labeling is also required for portable containers filled with chemicals from other containers. Tanks and other non-movable containers may be labeled by using the National Fire Protections Association (NFPA) fire diamonds, or the Hazardous Materials Identification System (HMIS) labels.
24. Secondary containment must be utilized for waste containers larger than five (5) gallons in capacity, including storage of spent lead acid batteries. Spill kits should be on hand to clean up any potential spill/hazard and personnel should be properly trained on use of spill kits.

204 Office Safety & Security

1. Always be aware of your surroundings. Keep your head up and hands out of your pockets while walking to and from your car.
2. Immediately report any suspicious activity or persons to the Police Department and immediately report any theft to the Police Department.
3. When parking, remove all valuables from sight and lock car doors.

Section 3 – Accidents

301 Employee Injury Procedures

1. Employees shall complete a City/BPW Employee Injury Report for all injuries, no matter how slight, and submit the report to his/her Supervisor within twenty-four (24) hours after the injury was sustained.
2. Properly treat all minor injuries and report them to the employee's Supervisor.
3. In case of serious or fatal accident to an employee appropriate action shall be taken promptly. The accident shall be reported immediately to the Supervisor.
4. If the injury causes the employee to be off work beyond the day the injury occurred, it is considered a lost time injury. The employee is only permitted to be off work on a job-related injury if a doctor has certified the time off prior to taking the time off. An employee shall also provide their Supervisor with a release note from his/her doctor prior to coming back to work.

5. Failure to report a work-related injury/illness to your Supervisor as soon as possible is a violation of policy and could adversely affect Worker's Compensation benefits and/or result in disciplinary action.
6. Employees are required to attend all scheduled follow-up visits unless other arrangements have been made and approved by your Supervisor. Individuals who miss follow-up appointments and have not returned to their jobs because of their injury may lose their continuing benefits and also be considered absent without permission.
7. In certain circumstances, light duty may be made available so the employee may return to work sooner. The availability of light duty shall be governed by the City's Return to Work Policy.

302 Reporting City Vehicle Accidents

In the event of an accident involving a City/BPW-owned vehicle, the following procedure shall be followed:

A. DO:

1. Stop immediately and administer first aid if necessary, in the event of personal injuries to another party. This is not an admission of liability.
2. Report ALL accidents to the Beatrice Police Department or the appropriate law enforcement agency immediately and to your Supervisor as soon as possible. Give full information to assist the police in completing the accident report. Report carefully the position of the respective vehicles, the location and length of any skid marks, the distance traveled by each vehicle after the accident and any unusual conditions of the roadway, the vicinity or the respective vehicles involved. These are all important in placing responsibility for the accident.
3. Obtain the name, address, age, and telephone numbers of ALL witnesses, including occupants of the other car. If a name or address is refused or cannot be obtained, get the house number if they live nearby, and license plate number of their car.
4. Obtain all of the pertinent facts and information regarding the accident.
5. Answer the questions asked by the proper authority but under no circumstances shall fault or negligence be admitted.

B. DO NOT:

1. Make admission as to your negligence or fault for ANY accident, and under no circumstances assume any liability or authorize any repairs on the other party's vehicle. Refer all claimants to the City Administrator or City Attorney.
2. Take part in any altercation or argument with the other party. You cannot win an argument of this kind.
3. Sign any statement or discuss the accident with an adjuster of any other insurance company, or any attorney or representative of the injured or damaged party without prior approval by the City Administrator.

Section 4 - Vehicle Operations

401 General

City/BPW vehicles are easily identified as such and thus constitute a traveling advertisement seen by many citizens. How we operate City/BPW vehicles directly influence our public relations with the citizens of Beatrice.

By courteous, considerate driving habits we build good public relations, and by applying the principles of defensive driving we avoid accidents. The following safety procedures are established:

1. Only specifically authorized employees who possess a valid license or permit for the equipment being used shall operate City/BPW-owned motor vehicles or personally owned vehicles on City/BPW business.
2. Drivers shall know and obey all state and local motor vehicle laws applicable to the operation of their vehicle.
3. All operators and passengers of City/BPW vehicles shall use seat belts when driving or riding in a vehicle that is in use.
4. No unauthorized 'side trips' or personal use of City/BPW vehicles are permitted.
5. No unauthorized riders, hitchhikers, etc., are allowed in City/BPW vehicles.
6. All moving or parking violations incurred while operating a City/BPW owned vehicle shall be reported to your Supervisor within twenty-four (24) hours.
7. Driving while under the influence of alcohol or other drugs is forbidden.
8. Never take any prescription drugs which could impair your driving before operating a vehicle. Remember that drugs, illness, or extreme fatigue may affect your ability to judge distances, speed, and driving conditions. Make sure to notify your Supervisor of any prescription drugs that you are taking that could impair your driving.
9. Not more than three (3) persons are permitted to ride in the front seat of any vehicle. Persons must not be transported in any vehicle unless safe and secure seating is provided for each such person.
10. If service is needed on the vehicle, report it to your Supervisor.

402 Inspection of Equipment

1. All vehicles shall be checked each day they are used to assure equipment and accessories are in a safe operating condition and free of apparent damage that could cause failure while in use.
2. The driver shall determine that brakes are in a safe operating condition before operating the vehicle. If brakes are not working properly, they must be corrected before the vehicle is used.
3. The driver shall inspect windshield wipers occasionally and see that they are in good operating condition and that the windows and windshield give sufficient visibility for safe operation of the vehicle.
4. Any vehicle light or reflector found to be defective shall be repaired immediately.
5. The driver shall report any defects that may have developed during the day. Items that affect safety shall be repaired prior to continued vehicle operation.

403 Exhaust Gas

The driver shall not operate a vehicle in any garage except when driving in or out and then the vehicle shall be operated as little as practical. The vehicle shall not be warmed up inside a garage nor shall the driver test the vehicle operation in a garage unless the exhaust gas is carried directly to outside atmosphere or the doors and windows are open so that adequate ventilation exists.

404 Operations

1. Position all adjustments for safe driving before putting the vehicle into gear, i.e., the seat, seat belt, inside and outside mirrors.
2. The driver shall drive at safe speeds no greater than that permitted by law. Traffic, road, and weather conditions shall be given consideration in determining the safe speed within the legal limit at which the vehicle shall be operated.
3. The operator of a motor vehicle shall clearly signal their intention of turning, passing, or stopping.
4. Drivers shall be prepared to stop and yield the right-of-way in all instances when necessary to avoid an accident.
5. The driver of a vehicle shall be courteous toward other operators and pedestrians. The vehicle shall be operated in a safe manner and the driver shall yield the right-of-way to pedestrians and other vehicles when failure to do so might endanger any person or another vehicle.
6. The driver shall maintain sufficient distance behind another vehicle to safely stop the vehicle in the clear distance ahead. Do not allow others to tailgate. Slow down, pull over to the side, let the tailgater pass.
7. Drivers shall exercise added caution when driving through residential and school zones.
8. When entering or leaving any building, enclosure, alley, or street where vision is obstructed a complete stop shall be made and the driver shall proceed with caution.
9. Trucks, on which derricks or booms are erected above traveling height, shall not be moved. Trucks or equipment should not be moved until equipment is properly stowed.
10. Before a vehicle is driven under or adjacent to energized equipment, especially in substation areas, the clearance shall be checked, especially that of the radio antenna, in order to ensure that proper clearances will be maintained between the vehicle and energized equipment.
11. All ignition systems shall be turned off and no smoking is permitted while refueling.
12. When proceeding down grade, the clutch shall not be disengaged. Trucks, particularly if heavily loaded, shall be in a lower gear on steep grades.
13. Employees shall not permit anyone to ride on the running boards, fenders, or any part of the vehicle at normal operating speeds. Employees may ride, for working purposes only, on truck bodies and trailers at speeds not to exceed ten (10) miles per hour. Employees shall not jump on or off vehicles in motion.

405 Parking

1. When vehicles must be parked on the roadway, they shall be parked on the side of the road facing in the direction of traffic flow whenever possible. Vehicles shall not be parked on the wrong side of the street facing traffic except in case of emergency.
2. When parking on a roadway, vehicles shall park off the traveled road surface whenever possible. When vehicles must park closer than ten (10) feet to the traveled road surface appropriate warning devices shall be used.
3. When vehicles must be stopped on streets or highways, adequate warning signals must be used such as warning lights or reflectors.
4. Vehicles shall not be parked on bridges or over culverts except when necessary for work.
5. When it is necessary to park on an incline the driver shall make sure the vehicle is left in a safe position. The engine shall be turned off, the parking brake set, and the front wheels shall be cut into the curb.
6. Before leaving the side of the road, look to see that no cars are approaching from either direction, and signal your intention. Best practice is to make a quick 360 degrees walk around of the vehicle to check for hazards before moving the vehicle.

406 Backing

1. Whenever possible the vehicle shall be positioned or work shall be planned to avoid the necessity of backing up.
2. When backing up a vehicle, be sure the way is clear.
3. When backing a vehicle which has an obstructed view to the rear take the following precautions:
 - a. Get out of the vehicle when necessary and inspect the area to be backed into.
 - b. Sound the horn or use a back-up alarm
 - c. Back slowly.
 - d. Watch both sides but do not depend entirely on mirrors.
 - e. If there is another employee available, the other employee should get out and spot.

407 Stopping in the Lane of Traffic

1. Stopping in the lane of traffic shall be avoided.
2. When it is absolutely necessary to stop in the lane of traffic use extreme caution.
 - a. Tail lights, amber strobes, or emergency flashers shall be used.
 - b. Flares or reflectors shall be placed to give adequate advance warning.
 - c. If work is in progress traffic control devices (together with flagmen where necessary) shall be used.

408 Refueling Vehicles

1. All ignition systems shall be turned off and no smoking is permitted while refueling.
2. Stay in contact with the vehicle or touch a metal part of the vehicle away from the filler neck with your hand to discharge any static.
3. Do not smoke near fuel pumps.
4. Keep the hose nozzle against the edge of the filler pipe.

5. To avoid spills, do not fill tank too fast or too full.
6. Stay at pump/vehicle while fueling.

409 Operating Tank Vehicles

Hauling liquid in tanks requires special skills because of the high center of gravity and liquid surge.

1. Take highway curves or on/off ramp curves well below posted speeds.
2. Use extreme caution in making sharp turns with a partially or fully loaded tanker.
3. Be extremely cautious especially when starting, stopping, or turning.
4. Never load a cargo tank totally full because liquids expand as they warm. Some liquids also expand as altitude increases. The amount to load depends on the amount the liquid will expand in transit, the weight of the liquid and the legal weight limits. Recognize overloads and poorly balanced weight.

410 Load Security

1. Supplies transported in motor vehicles must be secured in such a manner that they will not be dislodged or fall out or forward during transit or sudden stops. Loads must be secured with a minimum of two (2) tie downs.
2. Poles, ladders, pipe, etc., shall be loaded parallel with the truck length. Such material shall not extend beyond the normal sides of the vehicle.
3. Materials shall be securely fastened to prevent a hazard due to shifting.
4. Material that extends more than four (4) feet beyond the front or back of the truck or trailer shall have warning devices attached. During the day red flags shall be used. At night and during periods of poor visibility red lights shall be used.
5. Do not overload any equipment.
6. All tower equipment (ladder trucks, aerial buckets, etc.) shall be checked and secured prior to the movement of the vehicle.

411 CDL Required Trucks - Fork Lifts

1. CDL required trucks, fork lift trucks and other material handling equipment shall be operated only by authorized persons who are qualified and trained in their use.
2. Brakes and controls shall be tested before use. Equipment with faulty brakes or mechanical or electrical defects shall not be operated. Needed repairs shall be completed or reported immediately.
3. Equipment shall always be operated at a safe speed for existing conditions.
4. Before moving the equipment, the operator shall make sure that no person or objects are in the path of the vehicle. Clearances in all directions shall always be checked, particularly overhead clearances.
5. CDL required trucks shall not be fueled with the engine running.
6. When picking up a load, forks shall be set squarely and as far as possible under the load. Loads should not be raised or lowered while traveling. Loaded or empty, forks should be carried as low as possible, but high enough to clear uneven surfaces.
7. Loads shall not be suspended or swung over other persons. No one should be allowed to stand, walk or work under elevated forks.
8. The operator shall always face in the direction of travel.

9. On inclines all types of loaded lift trucks shall be driven with the load on the upgrade side of the driver whether ascending or descending.
10. Sudden stops, which might spill the load, shall be avoided.
11. All loads shall be securely fastened or safely positioned to prevent tipping or falling.
12. Only attachments provided by or approved by the manufacturer may be used. Such attachments shall be properly secured. Improvised methods shall not be used.
13. No one shall be allowed to ride the truck, fork lift or other equipment other than the operator except when seats are provided for this purpose.
14. When a CDL required truck is left unattended (operator is twenty-five (25) feet away or the vehicle is not in his/her view) the load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off and brakes set.
15. Equipment with internal combustion engines shall not be operated in enclosed areas for prolonged periods of time to prevent excessive levels of carbon monoxide.
16. When loading or unloading trucks approved dock boards that are properly secured shall be used. The wheels of the truck shall be blocked.

412 Aerial Lifts

1. Only authorized persons who are properly trained and qualified shall use or operate aerial lifts.
2. The operating and maintenance instruction manuals issued by the manufacturer shall be followed.
3. Load limits of the boom and basket shall not be exceeded. Shock loading (sudden stops or starts) of the equipment shall be avoided.
4. Aerial lifts shall not be "field modified" unless such modification is certified by the manufacturer. The insulated portion shall not be altered in any manner that might reduce its insulating value.
5. Prior to use, the equipment shall be given a warm-up period. The hydraulic system and the lift controls shall be checked and tested daily before use to determine if such features are in safe working condition. Malfunctions or unsafe operational conditions shall be reported. Equipment that is not in proper operational condition shall not be used.
6. Articulating boom and extendible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift except in case of emergency.
7. The truck shall not be moved unless the boom is lowered, the basket cradled and secured and the outriggers retracted.
8. Employees shall not ride in the bucket while the truck is traveling.
9. When employees are in the bucket of an aerial lift the emergency brake of the vehicle shall be set. Wheel chocks or outriggers shall be used to provide added protection. When the vehicle is on an incline wheel chocks shall be used regardless of whether outriggers are used. The truck should sit approximately level when viewed from the rear.
10. When outriggers are used, they shall be set on pads or a solid surface. Outriggers shall not be extended or retracted outside of clear view of the operator unless all employees are outside the range of possible equipment motion.

11. Employees shall not belt to an adjacent pole or structure. When working from an aerial lift an appropriate safety harness shall be worn.
12. Safety rules governing the use of hot-line tools, rubber goods, personal protective equipment and general safe practices shall also apply to work done from aerial baskets.
13. When a boom must be maneuvered over a street or highway necessary precautions shall be taken to avoid accidents with traffic and pedestrians.
14. The operator shall always face in the direction in which the basket is moving and shall see that the path of the boom or basket is clear when it is being moved.
15. Employees shall not stand or sit on top or edge of the basket or on ladders placed in the basket. Employee's feet shall be on the floor of the basket the entire time they are in it.
16. Climbers shall not be worn by employees while in the basket.
17. When two (2) employees are in the basket or baskets one (1) of them shall be designated to operate the controls. One (1) employee shall give all signals which shall be thoroughly understood by all persons concerned.
18. When two (2) employees are working from the basket extreme care shall be taken to avoid one (1) employee contacting poles, cross arms or other grounded or live equipment while the second employee is working on equipment at a different potential.
19. In no case shall more than one (1) energized conductor or phase be worked on a time.
20. Clearances: The aerial lift together with the employee in the basket and all tools and equipment shall maintain proper clearances from unprotected energized conductors. If it is difficult for the operator to determine the distance between the equipment and the energized parts accurately another person shall observe the clearance and give timely warnings when minimum clearance distance is approached.
21. When using pneumatic or hydraulic tools in a bucket the operator shall be sure that hoses or lines do not become entangled in the operational controls.
22. Unless the vehicle is equipped with lower boom and pedestal insulation rated for the voltage being worked, aerial basket vehicles working adjacent to energized primarily shall be properly grounded or barricaded and treated as energized.

413 Overhead Cranes

1. Read and understand operator's manual and follow all safety requirements.
2. Know the load capacity of your crane.
3. Never exceed the manufacturer's load ratings.
4. Visually inspect equipment.
5. Check hydraulic fluids regularly.
6. Check cables for kinking or fraying.
7. Lift loads at proper lifting points.
8. Use lifting cable or straps.
9. Control loads at all times using hand line to prevent excessive motion.
10. Stand clear of loads at all times.
11. Keep clear of all moving parts.

12. Know and understand crane signals.
13. Use only one signal person.
14. Never operate crane unless outrigger is placed and properly support the equipment.
15. Work well away from power lines (at least 10 feet).
16. Before working near power lines contact the utility company.
17. Overhead cranes are made to pick up or drop loads, never drag loads.
18. Death or serious injury can occur if safety procedures are not followed.

414 Dumpbeds and Outriggers

1. Never work under dumpbeds when engine is running.
2. Always block or support bed or outrigger when working on or under bed.
3. Use proper blocks for support; check operator's manual.

415 Aerial Platforms and Baskets

This equipment is used by traffic signal technicians, tree trimmers and in various maintenance tasks. The hazards involved are:

1. Contact with electrically charged overhead wires.
2. Falls.
3. Dropping tools and other objects upon workers below.
4. Being caught in, on, or between equipment parts.

Falls can be prevented by use of adequate and appropriate safety equipment. A raised platform or basket becomes a highly unstable support if jarred by a collision with the base vehicle, jerky operation, or failure of mechanical controls. Prevention of falls is achieved by using a fall protection lanyard or safety line, if it is secured to the employee and to the boom or platform.

The equipment used by City crews has controls located in various parts of the basic machine to operate the outriggers, booms, power take-off, etc. There is little standardization, even on equipment of the same general type.

The operator who activates such controls should make sure that all persons in the vicinity of this equipment are clear of any moving part before power is applied. The Supervisor or employee in charge of the crew is responsible for ensuring that this precaution is taken and that appropriate warning is given. Under no circumstances should employees or the public be permitted to walk underneath booms, platforms, or suspended loads. The following safety procedures are established:

1. Read and understand operator's manual and follow all safety requirements.
2. Always lower outriggers before raising the basket. (Most equipment now in use is equipped with an interlock which prevents raising the basket until the outriggers are down).
3. Give verbal warning to persons near the vehicle when lowering outriggers if an automatic audible signal is not available.
4. When working aloft in aerial baskets or platforms, a hardhat and a fall protection lanyard or safety line must be worn by the employee.

Section 5 - Protective Equipment

501 Introduction

The City/BPW will provide suitable equipment to protect employees from hazards in the workplace. Your Supervisor shall determine and obtain all safety equipment and see that it is used. Protective clothing is not a substitute for adequate engineering controls.

Use all safeguards, safety appliances, or devices furnished for your protection and comply with all regulations that may concern or affect your safety. Wear your gear properly—all snaps and straps fastened, cuffs not cut or rolled.

502 Clothing and Personal Grooming

1. All employees shall always wear clothing and shoes that are suitable for the particular type of work which they are doing. For your safety and comfort, invest in work clothes that are sturdy, that fit well, and are washable.
2. High visibility safety vests shall be worn by all employees in and around any area where there is a danger from street traffic, such as patching and maintenance of streets, in and around street excavations, construction or maintenance of areas where there is moving machinery or equipment, while surveying on City streets where there is moving traffic, or in any other area designated as a “safety vest” area by your Supervisor.
3. Employees shall not wear loose clothing, clothing with drawstrings, or other loose parts around moving machinery or equipment.
4. Short-sleeve shirts or tee-shirts should be worn for operating machinery. Rolled up sleeves are dangerous because they have flapping ends and because the added thickness of the cloth can pull your arm into a machine before the cloth tears.
5. If provided, uniforms shall be worn, sleeves rolled down and buttoned as instructed by your Supervisor. Unauthorized clothing shall not be worn over or as a substitute for designated or provided uniforms.
6. Work clothes should be washed frequently as a safeguard against skin infections and irritation.
7. Oil-soaked clothes are a serious fire hazard. Keep your clothes free from oil.
8. Steel-toe safety shoes must be worn on those jobs requiring safety shoes. Shoes with rundown heels or turned soles are hard on the feet and can cause falls. Keep your shoes in good repair.
9. Hair and facial hair shall be kept in a safe manner so not to become caught in moving parts. Hair should be above the shoulders, tied in a bun, or protected under a hat. Beards shall be trimmed to a maximum of two (2) inches.
10. When work is performed in the vicinity of exposed energized parts or equipment, employees shall remove all exposed conductive articles, such as key or watch chains, rings or wrist watches or bands, if such articles increase the hazards associated with inadvertent contact with the energized parts.
11. Finger rings or unnecessary jewelry shall not be worn while climbing on or off structures or vehicles or while performing any task where the ring might be caught

under or snagged by a projecting item. Rings and wrist watches with metal case and watch bands shall not be worn while working on or near energized equipment or lines.

12. The City/BPW requires proper hand protection when employees are exposed to known hand hazards. The Supervisor must obtain the suitable hand protection and ensure that it is used.
13. The Electric Department shall comply with NESC Standards.

503 Respiratory Protection

Any operation that generates harmful airborne levels of dusts, fumes, sprays, mists, fogs, smokes, vapors, or gases or that may involve oxygen-deficient atmospheres requires the use of effective safety controls. This must be accomplished, as much as feasible, by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation and substitution of less toxic materials). When effective engineering controls are not feasible or while they are being instituted, appropriate respiratory protection must be used.

Certain responsibilities are required of each employee and Supervisor.

Employees are responsible for:

1. Wearing the respirator in accordance with the instructions and training received.
2. Maintaining and storing the respirator in good condition.
3. Returning the respirator at the end of the required use for overhaul, cleaning, and disinfection.

Supervisors are responsible for:

1. Identifying those employees who may need to use respiratory protection.
2. Ensuring that their employees have been properly trained and fitted.
3. Ensuring that their employees use the respirators as required.

504 Eye and Face Protection

The City/BPW provides appropriate eye and face protection devices for employees assigned to tasks in which an injury hazard exists. Supervisors are responsible for determining the need for suitable eye and face protection devices and for ensuring that the employees use them. Each employee is responsible to properly use eye and face protection devices and will inform their Supervisor if same are not available. The employee will not engage in any activity requiring eye or face protection until properly fitting eye and face protection devices are obtained and in use.

Appropriate and approved eye and face protection shall be worn when an employee is engaged in the following work activities:

1. Drilling or chipping stone, brick, concrete, paint, pipe coatings, or metal.
2. Power grinding, buffing, or wire brushing.
3. Flame welding, cutting, or burning. (Approved colored lenses shall be used)
4. Hand drilling or sawing on overhead objects.
5. Use of powered tools such as drills, saws, or sanders.

6. Using compressed air used for cleaning purposes
7. Handling acids, caustics, chlorines, ammonia, or other similar liquids or gases, except when approved complete head coverings are worn. (Chemical goggles are necessary)
8. Brush chippers.
9. Arc welders.
10. Using impact wrenches and compressed air tools.
11. Chipping, scraping, or scaling paint, rust, carbon, or other materials.
12. Cutting or breaking glass.
13. Chipping or breaking concrete.
14. Using paint remover.
15. Soldering.
16. Sandblasting or air cleaning operations.
17. Tree trimming, brush chipping, or stump removal.
18. Steam cleaning, washing vehicle parts with soaps or solvents.
19. Pouring, transferring, or bulking chemical liquids.
20. Opening pressurized containers.
21. Performing laboratory operations.
22. Using wash rack or pressure washers.
23. Any other danger or injury to the eyes or at the direction of their Supervisor.
24. Any time there is a possibility of electrical flash safety glasses shall be worn.

Eye protection may be required on other jobs not listed if so, designated at the time by your Supervisor. Beyond this, you are encouraged to wear eye protection at all times. REMEMBER – YOU HAVE BUT ONE PAIR OF EYES AND THEY CANNOT BE REPLACED. PROTECT THEM.

505 Head Protection

1. Approved safety head gear shall be worn by all employees in areas where falling objects, electrical contact, or other hazards may cause a head injury.
2. Safety head gear or head band assembly shall not be defaced or altered in any manner without approval.
3. Approved head shields or hoods shall be worn when welding with hydrogen, heliarc, or electric arc.
4. Hard hats are provided to prevent head injuries caused by falling objects, and bumps against objects when working in confined spaces. The proper protection is provided when the head harness is adjusted so that there is approximately 1½ inch clearance, plus or minus 1/8 inch between the skull and the inside of the hat.
5. When the harness becomes worn to the extent that it no longer can be adjusted to maintain that clearance, hard hats should be turned in for repair or replacement.
6. A hard hat is a personal item and must be used exclusively by the person to whom it is issued.

506 Life Jackets

When working where there is a danger of drowning, employees shall wear an approved personal flotation device or be protected by a safety belt and lanyard or by a safety net.

507 Hearing Protection

1. Approved hearing protective equipment shall be worn when there is a possibility of hearing damage which can occur during continuous exposure to noise or impulse exposure to loud impact noise.
2. Proper ear protection may consist of any of the following: ear muffs or plugs, molded ear protectors or wax-type ear plugs. Plain cotton is not acceptable. Ear protective devices shall be worn properly to provide the required protection and kept clean to reduce the possibility of ear infection.

Section 6 - Tools, Ladders, and Materials

601 Hand Tools

1. All tools, regardless of ownership, shall be of an approved type and maintained in good condition. Tools are subject to inspection at any time. A Supervisor has the authority and responsibility to condemn unserviceable tools regardless of ownership.
2. Defective tools shall be tagged to prevent their use or they shall be removed from the jobsite.
3. Employees shall always use the proper tool for the job performed. Tools shall be used only for the purposes for which they have been approved. Makeshift and substitute tools shall only be used with proper authorization and under supervision.
4. Sharpen the cutting edges of the tool and carry the tool with the sharp edge down.
5. Sand the wooden handles of a shovel, rake, mall, etc., thus preventing splinters and burns.
6. Check the handle on each tool for tightness.
7. Check the head of each tool, such as hammers, chisels, punches, malls, and have the tool dressed if it is mushroomed (includes burrs and chipped edges).
8. Protective safety glasses should be worn when working with any tools.
9. Tools shall not be thrown from place to place or from person to person. Tools that must be raised or lowered from one elevation to another shall be placed in tool buckets or firmly attached to hand lines.
10. All cutting tools such as saws, wood chisels, drawknives, or axes shall be stored safely.
11. Return tools to their proper place so that they do not fall from a ledge or could be tripped on. Practice good housekeeping.

602 Portable Electric Tools

1. The non-current carrying metal parts of portable electric tools such as drills, saws, and grinders shall be effectively grounded when connected to a power source unless:
 - a. The tool is an approved double-insulated type, or
 - b. The tool is connected to the power supply by means of an isolating transformer or other isolated power supply, such as a 24-V dc system.
2. All powered tools shall be examined before use to ensure general serviceability and the presence of all applicable safety devices. The electric cord and electric components shall be given an especially thorough examination.

3. Powered tools shall be used only within their capability and shall be operated in accordance with the instructions of the manufacturer.

603 Power Tools

Electrical Equipment

1. All electrical tools used in City/BPW operations must be grounded by connecting a three-wire cord with polarized, three-prong plug, to a properly grounded three-hole receptacle (unless the power tool has U.L. approved dual insulation and two wired cord).
2. Each electrical tool or machine must be visually inspected each time it is used for damage to cords and ground connections. The most common defects occur at the points where the cord is attached to the tool or where the cord is attached to the plug. Be sure to check for a secure connection that allows for an insulation plate on the inside portion of the plug.
3. Never operate power tools without the provided guards.
4. Ground Fault Circuit Interrupters (GFCI) are required whenever using any electrically powered tools outdoors, in wet or damp environments, or where there are a great deal of conductors or metals. This applies to any tool powered from fixed electrical sources, temporary electrical sources, and generators.
5. GFCIs must be inspected and tested before each use.

Grinders

1. Only those employees who are familiar with the mounting of grinding wheels are permitted to do so. A ring test on each of the new grinding wheels should be completed before installation. (A ring test is made by supporting the wheel freely on a rod through the arbor hole and tapping it lightly with a wooden object. A clear, metallic ring indicates absence of cracks.)
2. Wheel must fit easily onto the spindle. Too loose or too tight is dangerous.
3. When wheel is mounted, stand out of danger at one side while you allow it to develop full operating speed for at least one (1) minute.
4. Apply work gradually to a cold wheel at the beginning of each work period, as cold wheels are most subject to breakage.
5. Never store a grinding wheel on damp or cement surfaces, do not put oily rags on the wheel.
6. Every grinding tool must be securely fastened to the shaft before commencing work.
7. The maximum operating speed as given by the wheel manufacturer is on the wheel label; grinding wheels are not to be operated in excess of these speeds.
8. Never attempt to adjust while machine is in motion.
9. Avoid using the side of an emery wheel for grinding, unless it is especially designed for side grinding. Side grinding weakens the ordinary wheel and may cause it to burst.
10. Use the cutting surface of a grinding wheel uniformly, as a grooved wheel has been dangerously weakened.
11. Grinder bearings must be kept properly oiled and adjusted.
12. Do not abuse the wheel by applying excess pressure.

13. Be particularly careful when grinding narrow tools or other objects as they are apt to catch between the rest and the wheel.
14. The operator's eyes must be protected with safety glasses or goggles AND face shield at all times when the machine is in use.
15. Do not stand in the plane of the grinding wheel, stand slightly outside the plane so that if the wheel does shatter, less risk of injury to the operator.
16. All grinding wheels must have a tool rest adjusted to within 1/8 inch of the wheel and a tongue guard at the top of the opening adjusted to within 1/4 inch of the wheel.

Drill Presses

1. Adjust the table so that you have plenty of room for the jig and keep your hands away from the revolving drill. Never run the point of the drill into the table.
2. Be sure that both the chuck and the drill are tight on the spindle, and that any circular tables are tightened before beginning to drill.
3. A sluggish drill is probably the result of incorrect grinding. Be sure the drills are sharpened properly for the particular material, so that the cut may be the right size.
4. Materials must be clamped or otherwise fastened to the drill press bed, not held in the hand.
5. Never run a drill faster than the rated speed as this may result in broken drills, damaged material, and serious injury.
6. Never leave key in chuck after tightening the drill. If set screws protrude, report it to your Supervisor.
7. Lower the spindle close to the table before removing the chuck, so that it may not cause any injury or damage to the material as it falls.
8. Reduce the pressure if there is any backlash in the spindle. Listen carefully for the distinctive noise made when the drill comes through work so that you can ease off the pressure.
9. Safety stop must be set to keep the over arm of a radial drill from swinging out where it may cause injury.
10. The wearing of gloves and loose clothing while operating a drill press is prohibited.
11. If the base of the drill press is designed so that it can be bolted to the floor it must be bolted to the floor.

Lathe Operations

1. Lathe tools should be ground so that the chips will break off instead of curl. Only lathe dogs equipped with safety set screws are to be used.
2. Make sure that all gear and belt guards are in place. This includes back gears and in gears, especially.
3. Whenever chuck or face plates are changed, they must be started on the spindle by hand power. Keep hands off chuck rims when lathe is in motion.
4. After adjusting a chuck, be sure to remove the chuck wrench immediately. See that the tailstock tool-holder and material are properly clamped before turning on power.
5. For external work, never set the lathe tools below the center of the work being turned.
6. Use a brush to remove chips. Do not use compressed air.

7. Wear only short sleeves when filing on a lathe. When near the chuck end or head stock, file with the right hand over the lathe stock instead of the left hand, holding file in such a position that in case it is forced back, the hand will not be forced against the body.
8. The operator's eyes must be protected with appropriate eye protection at all times when the machine is in use.

Compressed Air

The use of compressed air for housekeeping purposes is prohibited. Brushes should be used for cleaning machinery.

Only air nozzles with diffusers are allowed in shop areas. Regular air nozzles are permitted if air pressure is regulated to thirty (30) psi. Tanks must be drained of moisture each day before use. Screw style hose clamps are not acceptable on hose lines. Use only hoses with proper fittings. Never point compressed air at any person.

Jack Hammers

1. Remove the piston or tool of an air hammer whenever it is not in use to avoid the danger of it flying out and striking someone.
2. Always close the valve on the air line and release the air from the hose before cleaning, repairing, trying to insert any tool, or leaving any air powered unit.
3. Maintain your hold securely on the handle of an air motor to prevent it from flying around and striking you.
4. Be sure to show that the discharge end is secure before turning compressed air into a hose so that it will not swing around and cause injury.
5. The use of appropriate eye protection, hearing protective equipment, and steel toe shoes are required.

Woodworking Machinery

1. Machine guards are to be permanently attached.
2. If you are running short or narrow stock, protect your fingers by using a block.
3. Before using a circular saw, check all materials for possible warping. If a concave edge is found, always place it away from the straight-edge guide of the table saw.
4. If the saw binds in a cut, the saw must be shut off before attempting to dislodge the lumber.
5. A rip saw must not be used for cross-cutting, and a cross-cut saw must not be used for ripping. A spreader and kickback fingers shall be required when using a rip saw. A spreader will be required when using a cross-cut saw.
6. Learn to stand out of the line of a possible "kickback" and to avoid the danger of being struck by the small pieces that are frequently thrown from a circular saw.
7. Never reach over any machine to get finished materials from the opposite side, to remove dust or wood particles from the saw table, or to oil the machine, while it is in operation.
8. When using a jointer, never allow either hand to pass over the knife. Use both hands, one on each side of the material, using particular care at the start and finish.

604 Pneumatic Tools

1. Compressed air and compressed air tools shall be used with caution.
2. Pneumatic tools shall never be pointed at another person.
3. Safety clips or retainers shall be securely installed and maintained on pneumatic impact (percussion) tools to prevent attachments from being accidentally expelled.
4. The manufacturer's safe operating pressure for hoses, pipes, valves, filters, and other fittings shall not be exceeded.
5. All hoses exceeding 1/2 inch diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure or disengagement of a connection.
6. Before making adjustments or changing air tools, unless equipped with quick-change connectors, the air shall be shut off at the air supply valve ahead of the hose. The hose shall be bled at the tool before breaking the connection.
7. A pneumatic tool used where it may contact exposed live electrical parts shall have a nonconductive hose and an accumulator to collect moisture.
8. Employees shall not use any part of their bodies to locate or attempt to stop an air leak.

605 Hydraulic Tools

1. Manufacturer's safe operating pressures for hydraulic tools, hoses, valves, pipes, filters, and fittings shall not be exceeded.
2. Pressure shall be released before connections are broken unless quick-acting, self-closing connectors are used.
3. Employees shall not use any part of their bodies to locate and attempt to stop a hydraulic leak.
4. The fluid used in hydraulic-powered tools shall be fire resistant and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.

606 Power Lawn Mowers, Edgers, etc.

1. Employees shall ensure that all applicable guards are in place prior to using power lawn mowers.
2. All power lawn mowers shall be equipped with adequate guards which shall remain in place while mower is in use.
3. Power mowers shall not be left unattended with the motor running.
4. Bystanders should be warned by the operator of the danger of flying objects. Extreme caution must be taken when there are children in the immediate area.
5. Prior to making adjustments, inspections or repairs the employee shall turn off the mower and permit it to come to a complete stop.
6. Operator must keep hands and feet away from the undercarriage of the mower.
7. When operating a power mower the employee shall perform the following:
 - a. Remove any rocks, pieces of wire, or other foreign objects from the area to be mowed.
 - b. Avoid placing the body in front of the discharge opening.
 - c. Mow across the face of a slope or incline.

- d. Wear proper protective equipment to include, as a minimum, appropriate eye protection and hearing protective equipment.
- e. Operators of power mowers must wear appropriate safety footwear.

607 Supports and Scaffolds

1. No employee, or any material or equipment, shall be supported or permitted to be supported on any portion of a tree, pole structure, scaffold, ladder, walkway or other elevated structure, crane, derrick, etc., without it first being determined that such support is adequately strong and properly secured in place.
2. Employees shall check all scaffolding before use to ensure it is of sufficient strength and rigidity to safely support the weight of persons and material to which it will be subjected.
3. Employees shall not use a scaffold from four (4) to ten (10) feet in height having a minimum horizontal dimension of less than forty-five (45) inches unless proper guardrails are present to provide employee protection.
4. Employees shall not use a scaffold over ten (10) feet in height unless a standard guardrail, with mid-rail and toe board, is present to provide adequate employee protection.
5. Scaffold planks shall extend over their end supports by not less than six (6) inches (unless cleated) and not more than twelve (12) inches.
6. Scaffolds shall not be moved without first removing all loose tools, materials and equipment resting on the scaffold deck.
7. All scaffolds shall be sufficiently secured and braced.
8. The footing or anchorage points for scaffolds shall be sound, rigid and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick or concrete blocks shall not be used to support scaffolds or planks.
9. Scaffolds shall not be altered or moved horizontally while being used or occupied except when specifically designed for such use. Movable scaffolds shall have the casters or wheels locked to prevent movement.
10. The width of all scaffolds, ramps and platforms shall be sufficient to prevent congestion of persons, materials or equipment and in no case shall they be less than eighteen (18) inches wide.
11. Synthetic or natural fiber rope shall not be used as guardrails.
12. Employees working on suspended scaffolds shall be protected by an independent lifeline, body harness, and a lanyard.
13. Safe access shall be provided for all scaffolds. Structural members should not be used as a means of access.

608 Ladders

1. Metal ladders shall not be used in the vicinity of electrical circuits. Use fiberglass ladders when working on overhead lighting or electrical fixtures, above dropped ceiling grids, or any other situation that might involve electricity.
2. All ladders shall be inspected frequently and regularly. If any part of a ladder is visibly bent or broken, take it out of service and report it to your Supervisor.
3. Wooden ladders or scaffold planks should not be painted as defects may be covered by paint.

4. Nonskid feet must be used on all straight and extension ladders.
5. Straight ladders form a triangle when placed against the wall or objects for climbing. When properly placed, the bottom side of the triangle should be about one fourth as long as the vertical (i.e., if the ladder is leaned against a wall eight feet high, the feet should be set two feet from the wall).
6. When using a straight ladder, it should be long enough to extend at least three (3) rungs above the level to which the user is climbing. Step ladders must not be used as straight ladders; they are not designed for this purpose.
7. If the bottom of a ladder is placed on an unsecured surface, secure the ladder in position by the use of hooks, ropes, spikes, cleats, or other anti-slip devices or by stationing an employee at the base of the ladder to hold it in position during use.
8. Never stand on the top step of a ladder to work.
9. Only one (1) person can be on a ladder at a time unless the ladder is designed to be used on both sides. If two (2) employees are required then a second ladder shall be used.
10. Never carry articles in hand while climbing. Use a hand line to raise and lower tools and materials, or suspend them suitably in a tool belt.
11. Always face a ladder when ascending or descending and have free use of both hands utilizing three points of contact.
12. Clean muddy or slippery shoes before climbing.
13. Keep rungs clean and free of grease and oil.
14. If it is necessary to place a ladder near a door or where there is potential traffic, set up warning signals, or take other precautions to prevent accidental contact that might upset the ladder.

609 Welding and Cutting - General

1. Welding and cutting shall be performed only by experienced and properly trained persons. Before welding or cutting is started the area shall be inspected for potential fire hazards.
2. When welding or cutting in elevated positions precautions shall be taken to prevent sparks or hot metal from falling onto people or flammable material below.
3. Suitable fire extinguishing equipment shall be immediately available at all locations where welding and cutting equipment is used.
4. Matches and compressed gas lighters shall not be carried by welders or their helpers when engaged in welding or cutting operations.
5. A fire watch shall be maintained wherever welding or cutting is performed. A fire check shall be made of the area after completion of welding.
6. Where combustible materials such as paper clippings or wood shavings are present the floor shall be swept clean for a radius of thirty-five (35) feet before welding. Combustible floors shall be kept wet or protected by fire-resistant shields. Where floors have been wetted down personnel operating arc-welding or cutting equipment shall be protected from possible shock.
7. To protect eyes, face and body during welding and cutting the operator shall wear an approved helmet and/or appropriate eye protection, proper protective gloves, and clothing. Helpers or attendants shall wear appropriate eye protection. Other

employees shall not observe welding operations unless they use appropriate eye protection.

8. Appropriate eye protection shall be worn to guard against flying particles when the helmet is raised.
9. Machinery, tanks, equipment, shafts, or pipes that could contain explosive or highly flammable materials shall be thoroughly cleaned and decontaminated prior to the application of heat.
10. In dusty or gaseous spaces where there is a possibility of an explosion welding or cutting equipment shall not be used until the space is adequately ventilated.
11. Welders shall place welding cable, hoses, and other equipment so that they are clear of passageways, ladders, and stairways.
12. Where the work permits, the welder should be enclosed in an individual booth or shall be enclosed with noncombustible screens. Employees or other persons adjacent to the welding areas shall be protected from rays by shields or shall be required to wear appropriate eye and face protection.
13. After welding or cutting operations are completed the welder shall mark the hot metal or provide other means of warning other workers that the metal is hot.
14. Potentially hazardous materials in fluxes, coatings, coverings, and filler metals are released to the atmosphere during welding or cutting operations. While welding or cutting adequate ventilation or approved respiratory protection equipment shall be used. Special precautions, as set forth by the manufacturer, shall be taken when using materials that contain cadmium, fluorides, mercury, chlorinated hydrocarbons, stainless steel, zinc, galvanized materials, beryllium, lead, and others.

Gas welding and cutting:

1. Only approved welding or cutting equipment shall be used.
2. All gas welding equipment and connections should be kept free from grease and oil (Oxygen will explode upon contact with oil or grease). Oily and greasy gloves may bring about the same effect, besides making it difficult to handle the cylinder.
3. Whenever opening or closing valves, open or close the fuel first, then open or close the oxygen.
4. Approved back flow check valves shall be used on gas welding rigs in both gas and oxygen lines.
5. Welding hose shall not be repaired with tape.
6. Be sure that the end of your torch is cleaned before attempting to light. Before igniting the flame at the torch ignite the gas first then introduce the oxygen slowly. Use only friction lighters. Matches shall not be used to light a torch. A torch shall not be lighted on hot work. A friction lighter or other approved device shall be used. Oxygen or fuel gas cylinders shall not be taken into confined spaces.
7. Never roll tanks on the floor, nor attempt to carry them by hand or hoist unless properly slung. Use the skid provided when unloading cylinders from the truck. After unloading a tank, the cylinder must be securely chained.
8. Securely fasten with a chain or cage the acetylene and oxygen tanks in an upright position where there is no danger of their falling or being bumped.
9. Use only standard green oxygen hose with right-hand couplings, together with red acetylene hose with left-hand thread.

10. Blow out the tank valve before attaching the regulator. Never use compressed air for blowing out equipment, as air may contain some oil and moisture. Use oxygen to blow out the oxygen hose and acetylene to blow out the acetylene hose.
11. When changing empty tanks for full ones:
12. Shut off valve on empty tanks.
13. Release thumb screw on regulator.
14. Disconnect regulator, blow out tank valve, and connect on full tank.
15. Stand on opposite side of tank, point the acetylene valve outlet away from the oxygen tank and face away from the gauge while opening the tank valve.
16. Adjust thumb screw on regulator to proper pressure, making sure that you do not have excess oxygen, which only causes unnecessary sparks in operation.
17. Do not put the materials in such a position as to permit sparks, hot metal, or the severed section of metal to fall on the gas supply hose or the feet of any employee.
18. At the completion of the work, the welder must make a careful inspection of the job site to ensure that hot articles have not been left smoldering which might later develop into a serious fire. Close the cylinder valves, remove the regulators and gauges and install the safety caps after each job.
19. Appropriate safety glasses, gloves, and steel toe shoes must be worn.

Electric welding:

1. Only approved electric welding equipment shall be used.
2. The electric welding machine shall be properly grounded before use.
3. Welding operations should be carried on such that the arc must be effectively screened to prevent eye injury to anyone present.
4. Rules and instructions supplied by the manufacturer or affixed to the machine shall be followed.
5. Welders shall not strike arc with an electrode whenever persons are nearby who might be affected by the arc.
6. Before entering the welding area, an effective warning, such as shouting, must be given, so that the operator may be aware of your presence and help you to avoid a sudden flash or other injury. Like the welding operator, the person entering the welding area is also required to wear appropriate eye protection.
7. When electrode holders are to be left unattended the electrodes shall be removed and the holders shall be so placed or protected that they cannot make electrical contacts with employees or conducting objects. The welding of galvanized material requires the operators to protect themselves with a specially designed airline respirator which fits under the operator's helmet.
8. Deposit short end of welding rods in the containers provided for that purpose to prevent burning holes in your shoes or starting fires.
9. When not in use, place the electric holder where it cannot cause an arc.
10. Prevent injury to yourself and to others from short circuits by only using welding cables that are in good condition.
11. Only properly authorized operators are permitted to use welding equipment. Never attempt to repair welding equipment yourself.
12. Helmets and shields will be used with all electrical welding. Do not remove your helmet while bending over a hot weld.

610 Material Handling

Many injuries occur in the process of handling materials. Injuries can be avoided by taking a little time to plan ahead, and using mechanical equipment wherever possible. Use of material handling equipment (hoists, conveyors, lift gates, hand trucks, dollies, forklifts, hydraulic tables) is ALWAYS the best practice when lifting and moving materials even if it is inconvenient to get it or set it up.

1. An employee shall obtain assistance from a fellow employee in lifting objects weighing more than 100 lbs. or a load lifting device shall be used.
2. Use the appropriate equipment. Remember that hand trucks, dollies and wheelbarrows are designed to handle heavy, bulky, or loose materials; whereas utility carts are designed for office supplies.
3. Keep fingers away from pinch points, especially when setting down materials, passing through doorways, and closing drawers and doors.
4. When two (2) or more employees carry a heavy object that is to be lowered or dropped, there shall be a prearranged signal for releasing the load.
5. When two (2) or more employees are carrying an object each employee, if possible, should face the direction in which the object is being carried. Employees shall not attempt to lift beyond their capacity. Caution shall be taken when lifting or pulling in an awkward position.
6. Employees should use proper lifting techniques and avoid twisting or excessive bending when lifting or setting down loads.
7. When moving a load horizontally employees should push the load rather than pull it.
8. When performing a task that requires repetitive lifting the load should be positioned to limit bending and twisting. The use of lift tables, pallets and mechanical devices should be considered.

The single and most important preventative safety measure employees should be aware of is the FOUR STEP LIFTING PROCESS.

1. Get ready – size up the load, get help if needed. Remove protruding nails, splinters, sharp edges, oil, grease, or moisture. Wear gloves and safety shoes. Be sure the path is clear of obstacles.
2. Pick it up – get a firm footing and good balance, have your feet shoulder width apart. If the load is below waist level, bend your knees to get into position. Keep your back as straight as possible, grip load firmly, lift the object to carrying position, keeping it close to the body. Let leg and arm muscles do the work.
3. Carry it carefully – be sure your vision is clear. When changing directions, be careful not to twist your body. Turn your body by changing the position of your feet. Use caution in tight places so as not to smash fingers or hands.
4. Put it down – if the receiving surface is about waist high, use the edge to take part of the load, then push it forward. If you lower the load to the floor, bend your knees, keep your back as straight as possible and the load close to your body.

SECTION 7 - Fire

701 Fire Prevention

Fire can be prevented by orderly planning, sensible arrangement of fire producing activities in relation to combustible materials, good housekeeping, and observance of practical control of smoking habits when flammable substances are present.

The following safety procedures are established:

1. Fire extinguishers must be prominently displayed, labeled for usage, inspected annually, and kept clear for easy access at all times.
2. Employees shall know the location of fire extinguishers and how to use them. After use of an extinguisher, report such use immediately to your Supervisor so a replacement may be obtained or the extinguisher recharged.
3. Use of gasoline or other fuel is prohibited for cleaning parts, floor, or any part of buildings.
4. Gasoline utilized in small quantities in shops for fueling engines being repaired, tested, adjusted, etc. must be handled and dispensed from approved safety cans, having a spring-loaded cap. Container must be labeled as to contents, with HMIS or NFPA labels adhered to the sides of the container.
5. The fueling of any type of motorized equipment while the engine is running is prohibited. Stay in contact with a metal part of the vehicle or touch the metal part of a vehicle away from the fuel filler to discharge any static electrical build-up. When transferring flammable liquids, bonding wire between containers and a ground wire must be in place to guard against the build-up of a static electrical charge. When filling portable containers, the container must be on the ground, not in a truck bed or other elevated surface.
6. Never overfill a fuel tank but rather under-fill it to allow room for expansion of the fuel. If there is a spill report it immediately to your Supervisor.
7. No artificial light except UL approved electrical flashlights will be used near escaping gasoline or other flammable vapors or when entering an enclosure suspected of containing gasoline or vapors. Stay out of the area completely and call the Fire Department.
8. "NO SMOKING" must be followed and enforced in all areas where hazardous substances are stored or used and any other area where posted.
9. Exits must not be locked (chained or otherwise) from the inside.
10. Electrical extension cords are approved for temporary use only and they should never be a smaller gauge than the appliance cord connected to it.
11. No candles or open flames are allowed within the facility.
12. Employees using space heaters are responsible to turn the heater off when leaving their desk for extended periods of time (lunch, end of the workday, etc.).

702 Fire Extinguishers

Fire Extinguishers, when used properly, can be a very effective way of preventing a small fire from turning into a disaster. It is extremely important that the right extinguisher is used in the right situation and that the extinguisher is used properly.

1. A two and half (2-1/2) lb ABC fire extinguisher shall be kept in each City/BPW vehicle. All City/BPW commercial motor vehicles shall carry a five (5) lb ABC extinguisher.
2. All City/BPW buildings shall be equipped with fire extinguishers.
3. Extinguishers shall be located near entrances to buildings when possible.

4. All employees that may be expected to use an extinguisher must be trained to properly select and use an extinguisher. For quick reference in the use of extinguishers employees should remember the word PASS.

P - Pull the pin

A - Aim the nozzle at the base of the fire

S - Squeeze the handle

S - Sweep the discharge at the base of the fire

Fires are commonly classified as A, B, C, and, D, which is not as common. The D fire is a metal fire, such as magnesium, where a special extinguishing agent is needed. When faced with the need of having to use an extinguisher, the one that you use will have one of the above-mentioned classification letters:

Class A: This is an ordinary combustible fire such as wood, paper, cloth, rubber, and plastics. On this type of fire, you should use water, a Class A extinguisher, or a multi-purpose powder extinguisher marked ABC.

Class B: This is a flammable liquid of fire which can consist of thinner, gasoline, grease, oils, and similar products. On this type of fire, you should use a multi-purpose ABC or carbon dioxide extinguisher. The carbon dioxide extinguisher will be marked B, C. NEVER USE WATER ON A FLAMMABLE LIQUID FIRE. When using these types of extinguishers, get close to the fire and spray at the base with a sweeping motion so that you can smother the fire with the extinguisher.

Class C: This is an electrical fire in energized electrical equipment such as televisions, appliances, machinery, or computers. The best extinguisher to use is a B, C rated carbon dioxide. The multi-purpose ABC can also be used, but may cause more damage. Shut off the power as soon as possible, and NEVER USE WATER ON AN ELECTRICAL FIRE.

Class D: The D fire is a metal fire, such as magnesium, where a special extinguishing agent is needed.

Section 8 - Work Area Protection

801 General

1. Work area protection is the adequate safeguarding or protecting of pedestrians, motorists, employees, and equipment by the use of adequate barriers, warning lights, lights, flags, traffic cones, high-level standards, barricade rope, flagmen, etc., on approaches to work areas, excavations, open manholes, parked equipment, etc.
2. Work area protection is accomplished by the use of good informative and protective devices, keeping in mind that a safe installation requires the use of these devices in relation to the location of the workers and the equipment involved. The use of these devices must be coupled with proper planning, design, installation, inspection, maintenance, and the use of good common sense. It is of the utmost importance

that the work area be properly identified and that warning devices clearly convey the message to the public well in advance of arrival at the work area.

3. The public must be warned in advance and guided safely through or around the work area. Proper work area protection shall be planned to ensure the safety and protection of the public, the worker, and the equipment.
4. The possibility of accidents occurring is greatly minimized by proper planning, design, installation, operation and maintenance, coupled with the use of common sense.

802 Equipment

1. Only those signs, standards, barricades, flags, and cones that conform to Federal, State or local codes shall be used.
2. All state and local traffic codes shall be followed when providing work area protection.
3. During night operations or in periods of reduced visibility special precautions shall be taken. Adequate warning equipment which may include flashing lights, strobe lights, flares, or area illumination, shall be used.
4. Warning devices and equipment shall be removed as soon as the hazard is eliminated.
5. Warning devices and equipment not in use shall be stored in a proper manner or shall be removed from the work area.

803 Flagmen

1. Flagmen or other appropriate traffic controls shall be used to supplement protection provided by signs, signals, and barricades whenever necessary.
2. Flagmen shall receive the appropriate training prior to engaging in active work at the job site.
3. Flagmen shall wear a safety vest. Safety vest worn at night shall be of a reflector material.
4. Flagmen using hand-signaling equipment shall ensure signals provide sufficient warning to protect themselves and the worksite. The use of sign paddles are preferred and should be used if available.
 - a. Signal flags shall be red and at least twenty-four (24) inches square.
 - b. Sign paddles (Stop and Slow) shall be on a six (6) foot staff.
 - c. In periods of darkness or reduced visibility red lights shall be used.
5. Flagmen shall place themselves in a protected position to reduce the possibility of injury from traffic.
6. Flagmen shall ensure they can fully observe the operation and shall guide vehicular traffic in such a manner as to minimize the possibility of accidents or injury.
7. When flagmen are used at both ends of a jobsite reliable communications or prearranged signals shall be used to ensure proper traffic flow.
8. Flagmen shall face traffic when giving signals.
9. Flagmen shall give positive, direct signals that leave no doubt as to their meaning.

804 Lock, Tag, and Try

1. The Lock, Tag, and Try Procedure for working on equipment will be as follows:

- a. Notify affected employees of the intended shutdown and how long the machine will be out of service.
 - b. Shut down the machine.
 - c. Remove all energy sources from the machine. These include electrical, pneumatic, hydraulic, and potential energy as well as energy stored by springs, capacitors etc.
 - d. Place a lock and tag on all energy isolating devices to prevent them from being moved.
 - e. Try to start the machine. Return all start buttons to the off position after startup attempt to prevent unexpected startup when tags are removed and energy isolating devices are restored to the "on" position.
2. All voltages shall be handled properly and safely.
 3. Only qualified employees will work on or repair live or energized equipment. Consult your Supervisor before working in unfamiliar electrical situations.
 4. When working on live equipment, work on only one (1) wire at a time and insulate all conductors which may come in contact with the live circuit.
 5. Adequate personal protective equipment must be used when working on live circuits.
 6. Use only nonconductive ladders and hard hats when working near energized circuits.
 7. Treat all electrical equipment as though it was live.
 8. Shut off power before removing guards from motor-driven equipment.
 9. Keep the work area as dry as possible.
 10. Fuses shall be replaced with fuses of only the correct capacity.
 11. Finger rings, bracelets, or metal watch bands shall not be worn when working with electrical equipment.
 12. When opening disconnects wear proper eye protection to shield the eyes from the flash or sparks.
 13. When opening disconnects wear proper approved hand protection such as linesman gloves.
 14. After repairs replace cover plates on lighting and power cabinets or electrical enclosures.
 15. Restrict the number of people in the work area.
 16. Inspect all electrical extension cords for signs of wear.
 17. Extension cords shall not be used as permanent wiring in any situation.
 18. Ground all electrical power tools.
 19. Do not pull on the cord to disconnect equipment.
 20. All portable equipment shall be grounded by means of a three-wire cord and polarized plug or wire leading from the frame of a machine to a good return ground. OSHA approved insulated portable power tools may be used. Grounding plugs shall not be altered.
 21. Never remove or tamper with a lockout performed by another employee or contractor. A lockout could consist of a lock applied to a control such as a switch, breaker, or valve. A tag containing words such as "DANGER - DO NOT OPERATE" may also be used for lockout. If you see the lock, the tag, or both applied to an energy control device it means, "Keep your hands off."

Section 9 – Working in the Right-of-Way

901 General

Maintenance activities such as street painting, street sweeper operation, tree trimming, and traffic signal repair, may interfere with normal right-of-way. Warning flashers and safety strobe lights shall be used as a warning device.

For minor construction or maintenance operations requiring fifteen (15) minutes or less, the work vehicle itself with high visibility color or reflective markings mounted on the vehicle and warning lights, will usually be adequate.

When any maintenance or construction activities in or any obstruction of the right-of-way exceed fifteen (15) minutes duration, adequate signs and barricades must be set up according to the Manual of Uniform Traffic Control Devices (MUTCD).

The following safety procedures are established:

1. No City street can be completely closed for utilities repair work without adequate notice to the Police Department and Fire Department through the Dispatch Center.
2. When City work crews must perform work in lane of traffic, the City Clerk should be notified as to location, time work will start, and estimated time of completion so as to notify the public.
3. If an open cut is left in the lane of traffic, signs, and barricades must be placed in accordance to the MUTCD and adequate lighting shall be provided.
4. All mobile equipment used for maintenance and repair work in City streets must be equipped with a safety strobe light.
5. When a portion of a street has been closed for maintenance and repair work and construction equipment must be intermittently operated in lanes left open to traffic, a flagger must be provided to control traffic.
6. Every attempt should be made to work in front of your vehicle to buffer traffic from the rear.
7. All MUTCD standards shall be met when installing and maintaining traffic control devices on public streets, highways, bikeways, and private roads open to public travel.

902 Traffic Warnings

1. Protection of hazards such as large holes, soft patches, etc:
 - a. Place signs in advance of hazard.
 - b. Protect holes and patches with barricades at the hazard.
 - c. Where flags are used to mark a hazard, they must be replaced by signs as soon as possible.
2. Removal of temporary construction signs:
 - a. Signs placed solely for the protection of workers must be removed at the end of the day's work.
 - b. Signs to warn of temporary hazards (bump, one-way traffic, etc.) must be removed as soon as the hazard has been eliminated.
3. Protection of employees working on roadway:

- a. Warning signs must be placed in advance of the work in both directions during crack-filling operations.
 - b. Work must be done on only one-half of the roadway at a time when patching and/or filling cracks, etc.
 - c. Flaggers must be used when the amount or speed of traffic warrants.
 - d. All employees working in the right-of-way must wear safety vests.
4. Members of the flag crew should:
 - a. Stand near enough to the employees being protected so there is no doubt as to the flag crew's purpose.
 - b. Stay not less than 100 feet from the employees unless conditions make this impossible.
 - c. Stand on the shoulder, to the right of approaching traffic.
 5. To stop traffic:
 - a. Hold sign stationary, extended into the traffic lane, until the car has stopped.
 - b. Speak to the driver if necessary and give the signal to proceed with the free hand.
 6. To slow traffic:
 - a. Hold sign stationary, extended into the traffic lane, until the vehicle has slowed sufficiently.
 - b. Lower sign and give signal to proceed with free hand.
 7. Flagging traffic at night:
 - a. Use a bright red lantern or fuses.
 - b. To stop traffic, wave the light back and forth until the vehicle has stopped.
 - c. Give the signal to proceed with your free hand or by speaking to the driver.

Section 10 - Tree Trimming

1001 General

1. Before starting any tree operations, time should be taken to check the trees in the surrounding area for any dangerous conditions.
2. When tree trimming, tree felling, brush loading, or brush disposal operations are under way on street, highway or any other area accessible to the public, signs, cones, red flags or flares, barricades, or other warning devices (or combinations thereof) shall be used to protect vehicular and pedestrian traffic.
3. Climbers with pole gaffs shall not be used in trees.
4. Dead or rotted limbs, regardless of size, shall not be used by employees for support.
5. No work shall be done in a tree until the employee is securely tied in or belted to the tree.
6. Ropes of a suitable strength should be used for lowering of large limbs.
7. Ropes must be used for raising and lowering of tools.
8. The climbing rope shall be crotched in such a manner as to prevent its "working out" on a lateral limb.
9. When working in a multiple trunk tree the climbing rope shall preferably be crotched around a main trunk other than the one on which the employee is working.

10. Employee shall crotch their climbing rope in two (2) places if a single crotch does not adequately protect them from falling into energized lines or falling back into the trunk of tree.
11. The climbing rope shall not be used as a pull rope or as a hand line to lower limbs or branches.
12. The ground end of a climbing rope shall not be allowed to dangle over roadways and shall be kept free from obstructions, passing vehicles, etc.
13. The taut-line hitch shall not be released until the climber is on the ground.
14. Branches or other material shall not be dropped unless the immediate area has been cleared so that there is no possibility of injury to persons or damage to property. If such a possibility exists a rope shall be used to lower branches or other materials.
15. When lowering heavy tree members employees shall not tie fall lines around hands or bodies.
16. Employees shall not attempt to clear limbs or brush from under that side of tree where the climber is working.
17. Ladders should not be used unless they can be set on a firm foundation.
18. Climbers shall always call a warning before dropping limbs.
19. Never leave hangers or tools in a tree over the lunch period or overnight.
20. For removal operations: pull ropes are used to guide the fall of large trees. Once notching has started, the street must not be left unattended.
21. Employees shall obtain assistance or use power equipment, if available, when lifting logs or other heavy loads.
22. When loading brush onto truck employees shall not stand on or straddle the loaded brush.
23. Brush shall be hauled away promptly or otherwise disposed of to avoid presenting an attractive nuisance and to prevent injury to persons or damage to passing vehicles.
24. When hauling brush, care shall be taken that it does not extend over the sides of the truck.
25. When it is necessary to work in the vicinity of poison ivy or poison oak employees shall keep sleeves rolled down and wear gloves.
26. Walk with the chain saw stopped and the guide bar pointing to the rear.
27. Always stand at the end of the saw when cutting, never at the side.
28. Avoid using the tip of the saw for cutting.
29. Never replace chain in guide rail groove while motor is running.
30. Clean and check saw thoroughly and lubricate daily as required. Maintain a proper tension on the chain.
31. Always inspect the saw for sharpness, as a sharp saw will reduce maintenance cost, and result in faster, safer and easier cutting.
32. Refuel the saw before it runs out of gasoline to avoid a "bound saw" which is difficult to refuel and start; and to avoid the danger of fire when starting a saw at the refueling site.
33. Hard hats, appropriate eye protection, and proper personal protective equipment, including chaps and steel toe shoes, are mandatory.
34. Except in the cases of emergency, tree trimming and tree-felling work should terminate and employees should be moved to a place of safety during electrical

storms and periods of high winds or other unusual weather conditions that are dangerous to employees.

35. Special precaution should be taken when it is necessary to work around live wires.

1002 Working Near Energized Conductors

1. Before any employee climbs, enters, or works around any tree a close inspection shall be made to determine whether an electric conductor passes outside a safe distance of the electrical conductor. If it does not fall outside a safe distance the conductor will either be discharged by a trained person capable of such work or the tree work will be completed by a person trained to handle tree work within close proximity of an electric conductor.
2. Wires in proximity to tree trimming shall be considered as energized unless proven to be dead and are grounded.
3. Broken or fallen wires shall not be handled except by persons experienced in such work.
4. When working near wires the employee shall have their climbing rope secured so that in the event they slip or a limb breaks they will swing free and clear of the wires.
5. Tree limbs shall not be dropped on conductors.
6. Ropes shall not be thrown over conductors or cross arms for the purpose of using the conductor or cross arm as a support or hitch.
7. Dry ropes shall be used in trees through which energized conductors pass.

1003 Tree Felling

1. The employee felling the tree shall plan a clear retreat path before a cut is started.
2. The employee shall appraise the situation for dead limbs, the lean of the tree to be cut, wind conditions, and other hazards and exercise proper precautions before the cut is started.
3. When felling a tree an undercut shall be made about 1/3 the diameter of the tree to guide the tree in the direction to fall and reduce the possibility of splitting. A back or felling cut shall be made parallel to the inner edge of the undercut and approximately two (2) inches higher than the undercut.
4. The employee shall shut off his saw before he/she starts his/her retreat.
5. On terrain where trees are likely to slide or roll, employees shall fell trees from the uphill side.
6. No one shall be allowed to work in a tree located near a tree that is being felled if there is any danger of its being struck by any part of the falling tree. The recommended distance between workers is twice the height of the trees being felled.
7. All persons not engaged in the felling operation shall be kept clear of guide ropes and other rigging.
8. Clear warning shall be given to all employees in the area when trees are to be felled or heavy tree members are to be dropped.
9. Once the felling of a tree has been started it shall be completed before leaving the job.

1004 Care and Use of Tools and Rope

1. Ropes shall be inspected at least daily. Damaged sections shall be cut out and destroyed or the rope replaced.
2. Ropes shall be kept away from fire, acids, oil, chemicals, and all sources of excessive heat.
3. Dragging ropes over rough surfaces and sharp objects, such as rocks, shall be avoided. Ropes shall be stored separately from sharp-edged cutting tools.
4. The cutting edge of tools shall be suitably sheathed or guarded except while in actual use. Cutting tools shall be kept sharp and properly shaped.
5. When not in actual use the trimmer's saw shall be returned to the scabbard.
6. Axes shall not be used in trees or carried on the shoulder.
7. Tools shall not be thrown into or dropped from a tree. They shall be raised or lowered by a suitable rope line.
8. A pruner shall not be laid on a limb, in a crotch or hooked on a wire or rope. It shall be hooked over a limb strong enough to hold its weight.
9. Ladders shall be removed from the base of the tree when not in use.

1005 Powered Trimming Equipment

1. Employees operating powered trimming equipment shall wear appropriate eye, ear, and face protection and PPEs.
2. Chain-saw operators shall inspect the saw before each use to assure that all handles and guards are in place and tight, that all controls function properly and that the muffler is operational.
3. Chain-saw operators shall follow manufacturer's instructions on operation and maintenance.
4. Power saws weighing more than fifteen (15) pounds that are used in trees shall be supported by a separate line unless the work is performed from an aerial lift or no supporting limbs are available.
5. When starting a chain saw it shall be placed on or against a solid support and the area cleared of all co-workers.
6. The operator shall grip the chain saw with both hands during the entire cutting operation.
7. Saw bumpers shall be against the tree or limb before starting a cut.
8. Chain-saw operators shall, when necessary, clear the immediate area around their work to make certain that brush will not interfere with either the chain saw or operator.
9. All chain saws shall be equipped with dead-man controls (control cannot lock in "on" position).
10. The chain-saw engine or motor shall be stopped for the following:
 - a. When working on any part of the chain or cutting bar.
 - b. While the saw is being moved from one location to another, including being carried up into the tree.
 - c. While unit is unattended.
11. Gasoline-driven chain-saw engines shall be stopped when being refueled. If gas is spilled on chain saw during refueling it shall be wiped off before engine is started. Chain saws shall not be started within ten (10) feet of a fueling area.

12. A gasoline-driven chain saw shall not be used above shoulder level or at a distance that would require the operator to relinquish a safe grip on the saw.
13. Employees shall not approach chain-saw operator within the reach of the saw while the saw is in operation.
14. Employees shall never hand a pneumatic or hydraulic pruner or saw to another employee unless it is disconnected.
15. Powered tools shall not be left unattended if connected to a power source.
16. Powered tools shall not be adjusted or repaired while connected to power source.

1006 Chippers

1. Employees operating chippers shall wear appropriate eye, ear, and face protection and PPEs.
2. Access panels for maintenance and adjustment of the chipper blades and associated drive train shall be in place and secure during operation.
3. Chippers shall never be parked directly under tree being trimmed.
4. Employees shall not permit spectators to stand near machine while feeding brush into chipper.
5. Approved safety glasses with side shields shall be worn by an employee when feeding brush into chipper.
6. Employee shall never place hands or other part of body into brush hopper while chipper is in operation.
7. Tools or other metallic objects shall not be used to push brush into chipper. Material, which may contain foreign objects such as stones and nails, shall be loaded on truck and not fed into the chipper.
8. Ignition key shall be removed when chipper is left unattended.
9. Only wrist-length (non-gauntlet) gloves shall be used by employees feeding a chipper.
10. Trailer chippers detached from trucks shall have their wheels chocked.

1007 Right-of-Way Clearing and Maintenance

1. When two (2) or more employees are cutting brush, they shall be separated by at least ten (10) feet.
2. Under no circumstances shall anyone, except the operator, ride on a bulldozer or any other heavy equipment used in land clearing.
3. Bulldozer operators shall wear seat belts.
4. Employees shall not anchor equipment to railroad tracks, fences, or structures belonging to others.
5. When emerging from right-of-way, prior to road travel, employees shall test brakes.

1008 Use of Herbicides and Other Chemicals

1. Before using any herbicide or other chemical employees shall read the label carefully and follow the directions and precautions listed. Refer to the section on Hazardous Materials for additional information.
2. Employees shall avoid skin contact with or breathing mist of spray material whenever possible.

3. When working with toxic materials proper respirator protection and appropriate eye protection shall be used.
4. Spray equipment shall be cleansed daily when using oil solutions.
5. Repairs of equipment or transferring chemicals should be performed under a roof to avoid the potential of storm water pollution.
6. Spraying shall not be done when wind exceeds ten (10) mph unless specifically authorized by Supervisor.
7. Brush shall not be sprayed at a distance greater than fifteen (15) feet from power spray nozzle.
8. Oil and other liquids spilled on power spray equipment shall be removed as soon as possible to prevent falls from slippery surfaces.
9. Hose connections on hydraulic sprayers shall be checked before use to prevent blowing.
10. Employees shall not smoke on or around mist-spray equipment when oil solutions are being mixed or used.
11. Herbicides and other chemicals shall never be left where they would create a menace to persons or property.
12. Empty containers shall be disposed of in a safe manner. They shall never be thrown into ponds, lakes, or streams.
13. Where applicable all employees who apply pesticides or herbicides shall be licensed or work under the direct supervision of a licensed operator.
14. Spray wastes shall be disposed of in a safe manner and in accordance with federal, state, and local regulations.

Section 11 - Health and Environmental Control

1101 Hazardous Materials

1. To reduce the risks of working with hazardous materials, manufacturers of hazardous materials are required to convey hazard information to the users of their products. This is accomplished through the use of Material Safety Data Sheets (MSDS) and container labeling.
2. The MSDS is the main vehicle for communicating the hazards, safe handling requirements, and emergency procedures for each hazardous material. Employees shall know the location of the MSDSs for all hazardous materials known to be in their work areas.
3. MSDSs shall be made available to contractors working on City property.
4. Employees shall not use materials they find in unlabeled containers. Employees shall report unlabeled or damaged labels to their Supervisor.
5. Employees shall not transfer a hazardous substance from a labeled container to an unlabeled container unless the unlabeled container will be under the exclusive control of the employee.
6. Employees shall take proper precautions when working with unlabeled pipes.
7. Employees shall report all hazardous material spills to their Supervisor. Employees shall not attempt to control or clean up spills unless they have been properly trained and have the required personal protective equipment.

8. Repairs of equipment or transferring chemicals should be performed under a roof to avoid the potential of storm water pollution.
9. General rules for handling chemicals:
 - Read all label warnings and instructions.
 - Follow instructions for quantity. More does not mean better.
 - Minimize contact with chemicals. Use double layer cloths or gloves to protect your skin and keep your face clear of the area to reduce inhalation.
 - Always wash your hands after handling chemicals.
 - If a chemical enters your eye(s) immediately hold open the injured eye(s) and rinse it/them with clean, cool water for fifteen (15) minutes. Then be sure to report the injury immediately.

1102 Compressed Gases

1. Care shall be exercised in handling all compressed-gas cylinders. They shall not be dropped, jarred, or exposed to temperature extremes.
2. A sign "Danger--No Smoking, Matches, or Open Lights" or one with equivalent wording shall be conspicuously posted in rooms or at entrances to areas where fuel gas is used or stored.
3. Keep stored oxygen cylinders at least twenty (20) feet from acetylene cylinders and other flammables or by a five (5) foot high noncombustible barrier.
4. Cylinders shall not be placed where they might become part of an electric circuit or within five (5) feet of an electrical outlet.
5. The recessed top of cylinders shall not be used as a place for tools.
6. Store all cylinders in upright and fastened positions (except one (1) ton cylinders designed for horizontal storage).
7. Place the protective cap on cylinders when they are not being used.
8. Do not store cylinders next to heat sources.
9. Always check the cylinder label or stencil to make certain you have the proper gas.
10. A leaking cylinder shall not be used. Such cylinders shall be taken outdoors away from sources of ignition. The Supervisor shall be notified.
11. A flame shall never be used to detect a gas leak.
12. Never use oil or grease as a lubricant on valves or attachments of oxygen cylinders.
13. Before the regulator is removed from a cylinder the valve shall be closed and all pressure released from the regulator.
14. No attempt shall be made to mix gases in a cylinder or to transfer gas from one cylinder to another.
15. Employees shall never force connections that do not fit nor shall they tamper with the safety relief devices or cylinder valves.
16. Cylinders not having fixed hand wheels shall have keys, handles or nonadjustable wrenches on the valve stem while the cylinders are in service.
17. Tag or label all cylinders that are empty and remove them from the work place.
18. Always transport cylinders in a secured upright manner.
19. Cylinders shall not be lifted by the valve or valve cap and shall be moved or transported in a safe manner.

1103 Confined Spaces

1. Only employees who have been properly trained on the hazards associated with confined or enclosed work space shall be allowed to enter a confined space or enclosed space. Typically, the confined spaces will include lift stations, storm and sanitary sewers, water manholes and the water reservoirs. A confined space or enclosed work space shall not include open trenches.
2. Before any entrance cover to a confined or enclosed space is removed it shall be determined that there are no temperature or pressure differences or other hazardous conditions that may injure the employees removing the cover.
3. Safety cones shall be placed around all open man holes.
4. Before entering a confined or enclosed space all levels of the space shall be tested for lack of oxygen and the presence of flammable or toxic gases and vapors. Results shall be recorded prior to entry.
5. If flammable or toxic gases or vapors are detected or if an oxygen deficiency is found, the space shall be continuously tested and forced ventilation shall be used to maintain oxygen at a safe level.
6. Employees shall not be allowed in the storm sewer beyond the catch basin.
7. While work is being performed in an enclosed space a person with basic first aid training shall be immediately available to render emergency assistance if there is a reason to believe that a hazard may exist in the space or if a hazard exists because of traffic patterns in the area of the opening used for entry. A properly trained attendant shall be stationed outside the confined space. The attendant shall maintain continuous communication with the employees authorized to be in the confined space. The attendant shall be able to recognize confined space hazards and changing conditions in the confined space that could affect employees in the space. In the event of an emergency the attendant shall not enter the confined space but shall be able to summon emergency and rescue services.
8. Entry into a confined space with an unsafe atmosphere shall be avoided if possible. Employees required to enter an unsafe atmosphere shall be equipped with a fresh-air breathing apparatus, body harness, and lifeline monitored by a properly trained attendant. All employees entering a sanitary sewer manhole shall have a body harness and be tethered to the proper winching or lifting device which shall be operated using a tripod or lifting machine.
9. Electric welding, gas welding, or cutting shall not be performed on the interior, exterior or near the openings of any confined space that may contain flammable or explosive gases or vapors.
10. Before employees are allowed to enter a confined space all electrical and mechanical energy sources that could affect the employees working in the space shall be physically rendered inoperative, locked out and tagged. If required the space shall be drained, vented and cleaned.

1104 Lighting

When natural illumination is not sufficient artificial lighting shall be used. Temporary lighting (except battery powered) shall be protected with approved guards. In areas where flammable or combustible vapors, liquids, gases, dust, or fibers may be present only safety equipment approved for the hazardous locations shall be used.

1105 Excavations

1. Before opening an excavation all interferences such as trees, sidewalks, and foundations shall be removed or supported as necessary to protect employees and the public.
2. All underground utilities shall be located prior to excavating.
3. Hard hats must be worn at all times by workers in or around excavations, trenches, tunnels, sewers, or other sub-surface operations.
4. When excavation operations approach the estimated location of underground electric installations the exact location of the installations shall be determined by safe and acceptable means, usually by hand digging or using the vac truck. An insulated shovel and the use of suitable gloves should be used when hand digging near electric lines.
5. If electric cables are damaged the following steps shall be taken:
 - a. If the damaged cable belongs to a utility other than the one performing the work this utility shall be notified at once.
 - b. The area shall be barricaded and the public kept out until hazardous conditions can be eliminated.
6. If gas lines are damaged, the following steps shall be taken as soon as possible:
 - a. The hole shall be left open to allow the gas to dissipate into the atmosphere. All possible sources of igniting the gas shall be removed or eliminated.
 - b. Residents of the area shall be warned when necessary and the public kept out of the area.
 - c. The gas company shall be notified at once.
 - d. Immediately call 911.
7. If communication cables are damaged the communication company shall be notified.
8. While the excavation is open underground installations shall be protected, supported, or removed to safeguard employees.
9. A stairway, ladder, ramp, or other safe means of egress shall be located in trench excavations that are four (4) feet or more in depth so as to require no more than twenty-five (25) feet of lateral travel for employees.
10. Employees exposed to vehicular traffic on the right-of-way shall wear safety vests or other suitable garments. Warning devices must be placed a sufficient distance with due regard for visibility, speed, and volume of traffic.
11. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall stand away from any vehicle being loaded to avoid being struck by any spillage or falling materials.
12. When mobile equipment is operated adjacent to an excavation and the operator does not have a clear and direct view of the edge of the excavation a warning system such as barricades, a spotter or stop logs shall be utilized. If possible, the grade should be away from the excavation.
13. Employees shall not work in excavations in which there is accumulated water or in excavations in which water is accumulating unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation but could include special support or shield systems to protect from cave-ins, water

removal to control the level of accumulating water or use of a body harness and life line.

14. If excavation work interrupts the natural drainage of surface water, such as streams, diversion ditches, or dikes, suitable means shall be used to prevent surface water from entering the excavation and to provide adequate ventilation, drainage, and safety.
15. Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations support systems such as shoring, bracing, or underpinning shall be provided.
16. Employees shall be protected from excavated material or equipment that could fall or roll into excavations. Protection shall be provided by placing and keeping such materials or equipment at least two (2) feet from the edge of excavations or by using retaining devices that are sufficient to prevent materials or equipment from falling or rolling into the excavation.
17. Daily inspections of excavations, the adjacent areas and protective systems shall be made by the Supervisor for evidence of a situation that could result in possible cave ins, failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted before starting work and as needed throughout the shift. Inspections shall also be made after every rainstorm. Where the Supervisor finds evidence of a situation that could result in a possible cave-in, failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.
18. When excavations are left open warning devices, barricades, or guardrails shall be placed to adequately protect the public and employees.
19. At the end of each workday as much of the excavation as practical shall be closed. No more of a trench shall be open at one time than is necessary.
20. Mechanical excavating equipment that is parked or operating on streets or highways shall be protected by proper warning devices. Strobe or other flashing lights shall be used to further identify the area.
21. When it is necessary to leave excavating equipment unattended the blade, bucket, or scoop shall be lowered to the ground and the ignition system locked. Keys shall be removed from all idled excavating equipment.
22. Protective systems of trenches must commence at a depth of five (5) feet. Earth banks more than five (5) feet in depth, when not shored or braced, must be sloped to 1 ½:1 (Horizontal:Vertical). Excavation work must be under the supervision of someone with the necessary experience and authority to modify the shoring and method of excavating as necessary to ensure safety (Competent Person). Excavations less than five (5) feet must also be protected when hazardous ground movement may be expected.
23. If the texture of the earth being removed is unstable (sand, loose fill, etc.) warn all workers against working too close to the excavation before shoring is installed. All soil classifications are assumed to be Type C soils.
24. Shoring and shield systems shall be installed and removed in a manner that protects employees from cave-ins, structural collapses, or from being struck by members of the shoring or shield system.

25. Removal of shoring systems shall begin at, and progress from, the bottom of the excavation. Members shall be released slowly so as to note any indication of possible cave-ins of the side of the excavation or possible failure of the remaining members.
26. Shields shall be installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of a sudden lateral load.
27. Employees shall be protected from the hazards of cave-ins when entering or exiting the areas protected by shields.
28. Employees shall not be allowed on shields when shields are being installed, removed or moved vertically.

Section 12 – Working Around Electrical Lines

1. Contact the appropriate electrical service company (Electric Department, NPPD, or Norris) if work is to be done near electric service and accurately locate any buried service.
2. ALL wires and conduit must be considered energized and dangerous.
3. Booms and protruding parts of construction machinery must not be operated closer than ten (10) feet from overhead electrical lines. When construction machinery is operated in close proximity to energized lines that a full traverse of the moving parts could result in contact, a crew member must be provided to direct the operator. Crew members in those circumstances must be especially watchful that movement of the machinery be no closer than the minimum ten (10) foot clearance prescribed above.
4. Workers on the ground handling suspended loads, slings, cables, etc., in contact with the machine are in the most hazardous position if contact with energized electrical lines occurs. Ground crews must be repeatedly warned of the hazard and especially watchful to prevent such contact.

If Machines Contact Energized Wires

1. Immediately contact the appropriate electric service company.
2. The operator should attempt to swing the boom clear.
3. Persons on the rig are usually safe, stay in the rig. Only if absolutely necessary to leave the rig, jump clear at least three (3) feet from the rig without falling, being careful that no part of the body is in contact with the machine and the ground at the same time. Make sure that only one point of contact is made with the ground at any one time i.e. jump or hop with both feet together, until you clear the area. Do not just walk away from the rig, shuffle your feet until you are at least ten (10) feet away.

Section 13 – Tobacco Use

Employees of the City/BPW are prohibited from using any tobacco products or electronic nicotine delivery systems during all regular or overtime work periods including breaks in which the employee is being compensated or inside any vehicle owned by the City/BPW. Absence of “No Smoking” signs shall not excuse smoking in dangerous places. See the Tobacco Use Policy for more details.

Section 14 - Office Safety

Learning how to recognize hazards and prevent office accidents are the first steps in creating a safe working environment. Take a good look around your office, you will find it can be as potentially hazardous as industrial work places.

1. Practice good housekeeping at all times in office areas.
2. Keep cords and other wiring covered so they do not become tripping hazards. Do not overload outlets by connecting too many items.
3. Unsafe electrical cords, faulty electrical or other equipment and any other hazardous condition shall be reported
4. Keep equipment in good repair. If a machine overheats, smokes, sparks, or if you feel even a slight shock, unplug it and call a service person. Make a sign that warns others not to use the machine.
5. Do not block stairs, steps or doorways.
6. All emergency exits and emergency equipment such as fire extinguishers and fire hose racks shall be kept clear of all obstructions.
7. Caution shall be exercised when walking around blind corners.
8. Clean up all spills immediately.
9. Use the proper ladder or stool for reaching high places. Do not stand on chairs or furniture.
10. Follow proper lifting techniques when carrying large or awkward materials. Know your strength, and when in doubt make it a two-person job. Use arm and leg muscles, not your back. This means keeping your back straight and the load close to your body. Grasp materials firmly and make sure you can see over your load. When setting objects down, rest one corner first so your fingers are not caught underneath. Plan ahead so you have a place to deposit your burden. And be sure all obstacles are removed from your path; doors are open and appropriate lighting is provided.
11. Practice sound electrical safety techniques when working with computers, typewriters, photocopiers, etc.
12. Report unsafe situations to your Supervisor immediately.
13. Report accidents and injuries immediately to your Supervisor.
14. Each office shall develop an evacuation plan in the case of severe storms or tornadic activity. It is the responsibility of each employee to know the evacuation plan for your particular office area.
15. Drawers, of desks and file cabinets, shall be kept closed when not in use. Close drawers gently, using the handle to prevent pinched fingers.
16. Only one (1) drawer of a file cabinet shall be pulled out at a time in order to avoid overbalancing unless the cabinet is securely fastened to the wall or to other cabinets.
17. Material shall be stored on shelves in a manner to prevent falling. Heavy objects shall be placed on lower shelves. Avoid overloading or front-loading top drawers. Unbalanced distribution at the top could cause the cabinet to topple. Do not sit on the edge of a chair. Do not tilt back when sitting in a straight chair.
18. Broken glass and other sharp objects shall not be placed in wastepaper containers.
19. Keep pointed or sharp objects in a separate box in your desk drawer.

20. Paper cutters require your complete attention; do not attempt to cut too many sheets at a time.
21. Keep your fingers clear of power staplers. Unplug it first. Be especially cautious when working on a jammed stapler.
22. When opening packages; inspect them for sharp projections and rough edges. When using a cutting tool, cut away from your body.
23. Employees using computer monitors for extended periods of time shall consider the following:
 - a. Keep back straight with feet resting firmly on the ground.
 - b. Use a back-supporting cushion for lower back.
 - c. Position the computer monitor so the operator's eyes are level with the top of the screen.
 - d. Position the computer monitor directly in front of the user and adjust to avoid glare.
 - e. Adjust the height of the chair or keyboard so that shoulder-elbow-arm angle is at 90 degrees.
 - f. Use a cushioned wrist rest to keep user's hands and fingers in the same plane as the forearm.
24. Computer monitor users shall adjust position frequently to avoid muscle stiffness.
25. No candles or open flames are allowed within the facility.
26. Employees using space heaters are responsible to turn the heater off when leaving their desk for extended periods of time (lunch, end of the workday, etc.).
27. Keep all valuables (money, purse, jewelry, etc.) out of sight when at your desk. Do not bring large sums of money or other valuables into the building.
28. Secure laptop computers, PDAs, and other small electronic devices before leaving your workspace for extended periods of time (lunch, meetings, etc.).
29. If you are working alone and are in the office before or after regular business hours, on weekends, or holidays, observe these additional guidelines:
 - Be sure doors close and lock after you.
 - Turn on lights as you move through the building.
 - Always be aware of the closest telephone (do not hesitate to call 911 if you feel threatened).
 - Be sure that someone at home knows that you are at work and is expecting you to check in by a specified time.
 - As you leave the office, be sure to turn off all equipment, lights, etc., after use.

Section 15 - First Aid

1501 Introduction

While emphasis is placed on the prevention of accidents and the injuries which often result, accidents do occur. Prompt, knowledgeable treatment of wounds or other physical results of accidents will, in many cases, prevent minor injuries from becoming major ones, and sometimes save lives.

The City/BPW will provide certified first aid training every three (3) years for all employees.

1502 General

1. First aid kits shall be maintained in City/BPW buildings and shall be carried in all City/BPW vehicles.
2. Supervisors or their designee shall check first aid supplies on a periodic basis. Minimum amounts of each item must be maintained.
 - a. Employees shall be familiar with the basic techniques for first aid so that they may provide emergency treatment to fellow employees. Personnel should be knowledgeable of the treatment for traumatic shock, means of giving artificial respiration, and control of bleeding. Preplanning for a potential emergency situation is extremely valuable. All employees should be aware of the medical services available and how to obtain them.
3. Cuts, scratches, etc., should be given prompt medical attention. Always be sure that open wounds are thoroughly cleansed with soap and water to prevent infection. Direct pressure is the best way to stop most bleeding injuries.
 - a. Consult the Blood borne Pathogen section to determine first aid procedures in dealing with body fluids or other potentially infected fluids.
4. There are some cases in which an injured employee, when needing professional medical attention, can be transported to the hospital by City/BPW vehicle. There may be serious cases; however, in which it is important that the injured employee be seen by Paramedics. If there is any doubt in the mind of the Supervisor, it should be resolved by calling for Paramedic service. As an example, the following conditions would definitely indicate Paramedic service:
 - a. Employee unconscious or apparently in shock.
 - b. Any apparent open or angulated fracture.
 - c. Any uncontrolled bleeding or large blood loss.
 - d. Severe abdominal cramps and/or vomiting.
 - e. Other symptoms of internal injury.
5. To obtain Paramedic service call 911.

1503 Artificial Respiration and CPR

Whenever a person is found unconscious an employee should determine if the person is breathing. If the person is not breathing rescue breathing should be started as soon as possible without endangering the rescuer. The City encourages certification in artificial respiration and CPR procedures and will provide training and the opportunity to become certified.

Section 16 - Blood Borne Pathogens

Blood and other bodily fluids can carry pathogens, which are capable of causing diseases in others. This includes HIV and hepatitis.

1. Because we cannot tell by looking at a person if they are infected with a pathogenic disease, we must take precautions following an illness or injury when bodily fluids are released.
 - a. All blood and body fluids will be treated as infectious although the special hazards and higher risk of transmission with certain body fluids are recognized.
 - b. Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls personal protective equipment shall be used.
2. In the event of a person losing bodily fluids, stay away from the area and warn others to also do so. You can still stay close to the ill/injured person to support him/her, just be sure to stay out of contact any bodily fluids.
3. In the event that you find spilled bodily fluids, a syringe, or other medically contaminated materials, do not attempt clean up by yourself.

Section 17 – Serious Industrial Accident

1700 Considerations Following a Serious Industrial Accident

Any work-related accident resulting in serious injury or the death of an employee presents significant emotional challenges for management. Following are some guidelines, which may reduce the effects on fellow employees and minimize the impact from regulators, insurance companies, or attorneys.

1. Be prepared to talk to local Police Officers, County Attorney, and investigators. Be aware that police and County Attorneys can conduct criminal investigations. Be truthful but do not speculate or offer unsolicited opinions, information, or theories.
2. Be prepared for contacts from local news media. Do not speak with the media. Direct all media request to the City Administrator or City Attorney. .
3. The Superintendent or City Administrator will contact the employee’s next of kin to inform her/him of the circumstances. If possible, this contact should be made in person. Offer to provide transportation and/or other support.
4. Get all witnesses names. If some witnesses are not employees, be sure to get full addresses and phone numbers.
5. Render safe any hazards created by the accident scene. (i.e. material that may fall, leaking chemicals, etc.). Rope off or otherwise isolate the accident scene early on to prevent it from becoming a “tourist attraction.”
6. Conduct an initial investigation. If equipment and/or duties directly involved in the accident are duplicated elsewhere in the company, take immediate steps to assure that there will be no re-occurrence of the accident.
7. Take pictures to document the scene. Note anything that may help you identify specific equipment involved such as serial numbers, license plate numbers, etc.

Section 18 - Return to Work Program

It is the City/BPW’s goal to prevent work-related injuries from happening. We are always concerned when one of our employees is injured or ill due to a work-related condition. We believe that such absences cost both City /BPW and its employees.

City/BPW has a workers' compensation program available for employees who have suffered work-related injuries. The program's administrator will determine, based upon their guidelines, whether you are eligible for wage loss or medical expenses under that program.

In addition to workers' compensation, the City/BPW has implemented a Return to Work program. See the Return to Work Policy for details.

RESOLUTION NUMBER 6783

WHEREAS, the City of Beatrice Nebraska, recognizes the Firefighters Union, Local No. 1098, ("Union"), as the exclusive bargaining agent for certain employees of the City of Beatrice; and

WHEREAS, the City of Beatrice has previously entered into a Union Contract with the Union; and

WHEREAS, the term of said contract expired on September 30, 2021, and the Union notified the City that it did not desire to automatically renew the contract; and

WHEREAS, the City desires to enter into a new Union Contract with the Firefighters Union, Local No. 1098 for a term of six (6) years.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA;

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Union Contract with the **Firefighters Union, Local No. 1098**, for the term of six (6) years beginning on October 1, 2021 and ending on September 30, 2027. A copy of said Union Contract, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 18th day of October, 2021.

Attest:


Erin Saathoff, CMC, City Clerk


Richard Clabaugh, Acting Mayor

Exhibit "A"

UNION CONTRACT
CITY OF BEATRICE, NEBRASKA
AND
FIREFIGHTERS UNION
LOCAL NO. 1098

2021-2027

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AGREEMENT

This Agreement is made and entered into by and between the City of Beatrice, Nebraska, and a Municipal Corporation, hereinafter referred to as "City," and Local No. 1098, Firefighters Union, hereinafter referred to as the "Union."

WHEREAS, the City has, pursuant to the statutes of the State of Nebraska, by Resolution #2314, extended its recognition to the Union as the exclusive bargaining agent for all uniformed employees of its Fire Department except the Chief, Deputy Chief, and Captains, and has, thereby consented to the practices and procedures of collective bargaining as a fair and orderly way of conducting its relations with the employees of its Fire Department insofar as such practices and procedures are appropriate to the functions and obligations of the City, acting through its Mayor and Council, to retain the right to effectively operate in a reasonable and efficient manner consonant with the paramount interest of the City and its citizens; and

WHEREAS, the Union recognizes the prerogative of the City of Beatrice to operate and manage its affairs in all respects in accordance with its responsibilities and powers which the City of Beatrice must retain in order to properly operate and manage its affairs as required by law; and

WHEREAS, it is the intention of this agreement to provide, where not otherwise mandated by statute, for the salary structure, fringe benefits, and employment conditions contained in this agreement for the employees of said Fire Department covered by this agreement, to prevent interruptions of work and interference with the efficient operation of the Fire Department, and to provide an orderly and prompt method for handling and processing grievances.

NOW, THEREFORE, the parties agree with each other as follows:

ARTICLE 1
RECOGNITION

- Section 1** The City does hereby recognize the Union as the exclusive representative of all uniformed employees of its fire department except the Chief, the Deputy Chief, and the Captains.
- Section 2** The City will not aid, promote or finance any labor group or organization which purports to engage in collective bargaining or make any agreement with any individual, group, or organization for the purpose of undermining the Union or which is in conflict with this agreement.
- Section 3** The City or any employee organization may request a new determination as to the majority status of the Union by following the procedures set forth in Rule 9 of the Rules of the Commission of Industrial Relations of the State of Nebraska, as revised.

ARTICLE 2
CHECK-OFF

- Section 1** The City agrees to deduct the Union membership each pay period from the pay of those employees who individually request in writing that such deductions be made. The amounts to be deducted shall be certified to the City Clerk by the Treasurer of the Union, and shall be certified as being duly approved by the union membership, and the aggregate deductions of all employees shall be remitted together with an itemized statement to the Treasurer by the 10th of the succeeding month, after such deductions are made. This authorization may be revoked at any time by giving written notice to the City Clerk.

Section 2 **Authorization for Payroll Deduction**

By Last Name First Name Middle Name

To Employer Department

Effective
Date

I hereby request and authorize you to deduct from my earnings half the union membership dues twice each month. The amount established by the Union as monthly dues shall be withheld from the check. The amount deducted shall be paid to the Treasurer of the Union. This authorization may be revoked at any time by giving written notice to the City Clerk.

Section 3 The City shall not be liable for the remittance of any sums other than those constituting actual deductions made; and if for any reason it fails to make a deduction for any employee as above provided, it shall make that deduction from the employee's next pay period in which union dues are normally deducted after written notification to the City Clerk of the error. If the City makes an overpayment to the Union, the City will deduct that amount from the next remittance to the Union. The Union agrees to indemnify and hold the City harmless against any and all claims, suits, orders or judgments brought or issued against the City as a result of any action taken or not taken by the City under the provisions of this article.

ARTICLE 3
MANAGEMENT RIGHTS

Except where limited by express provision of this agreement, nothing herein shall be construed or interpreted to restrict, limit, or impair the right, powers, and authority of the City heretofore possessed and hereinafter granted by virtue of law, regulations or resolutions. These rights, powers and authority include, but are not limited to, the right to manage and supervise all of its operations and establish work rules, regulations and other terms and conditions of employment. The exercise of such rights, powers and authority shall not be negotiable or reviewable by arbitration.

ARTICLE 4
LABOR MANAGEMENT COMMITTEE AND SAFETY COMMITTEE

Section 1 To insure continued harmonious relations and to bring about a better understanding with regard to City policies and activities, a Labor-Management Committee may be formed. This committee shall consist of three (3) members of the City, to be designated by the City, and three (3) officers of the Union, or their designates.

The purpose of this committee shall be to identify and attempt to resolve through meaningful discussions, those matters of general interest to employees and management. It will not be within the province of the committee to deal with individual grievance or with amendments to or interpretation of contractual provisions.

Section 2 The Safety Committee shall consist of three (3) members of the City, to be designated by the City, and three (3) officers of the Union, or their designates. The purpose of this committee shall be to identify and attempt

to resolve through meaningful discussion, safety concerns of the employees or management.

Section 3 The Safety Committee and the Labor Management Committee shall each hold a joint meeting as needed. Additional meetings may be convened at the request of either party. The party requesting such a meeting shall submit an agenda for said meeting.

ARTICLE 5 **UNION ACTIVITY**

The Union agrees that its members will not solicit membership in the Union or otherwise carry on union activities during working hours, or on premises of the City at any time; provided, however, Union may hold meetings of its members in an area of the Fire Department designated by the Fire Chief so long as the following limits are complied with:

- (1) The designated area is not needed for other purposes at the times scheduled for such meetings;
- (2) Such meetings are limited to no more than eight (8) times each calendar year; and
- (3) Each meeting lasts no longer than one and a half (1.5) hours.

ARTICLE 6 **GRIEVANCE PROCEDURE**

Section 1 The grievance procedure set forth herein is designed to preserve harmony and friendly relations between the City and its employees. Furthermore, the grievance procedure is to provide a just and equitable method for resolution of grievances without discrimination, coercion, restraint, or reprisal against any such employee who may submit or be involved in a grievance. This grievance procedure shall not apply where state and city Civil Service Laws, Rules and Regulations take precedence.

Section 2 In reducing a grievance to writing, the following information must be stated with reasonable clearness:

- the exact nature of the grievance, the act or acts of commission or omission,
- the identity of the party or parties who claim to be aggrieved,
- the identity of the party or parties alleged to have caused the grievance, if known,

- the specific provisions of this agreement that are alleged to have been violated, and
- the remedy which is sought.

Section 3 A grievance is hereby jointly defined to be any disagreement concerning the interpretation or application of the terms of this agreement.

Section 4 Grievances shall be processed in the following manner:

Step 1. Any regular employee having a grievance shall first present the grievance orally to the employee's Shift Captain within five (5) calendar days after its occurrence. The Captain shall attempt to adjust the matter and shall respond to the employee within five (5) calendar days after the presentation of the grievance.

Step 2. If satisfactory settlement is not reached under Step 1, the grievance shall be presented by the employee, or his or her representative, to the Fire Chief, in writing, within five (5) calendar days after receipt of the response set forth in Step 1 above. The Fire Chief shall issue a written decision to the employee and his or her representative within five (5) calendar days from the date of receipt of the grievance.

Step 3. If satisfactory settlement is not reached under Step 2, the employee, or his or her representative shall resubmit the grievance described in Step 1, above, within five (5) calendar days after receipt of the written decision set forth in Step 2, to the City Administrator. The City Administrator shall schedule a meeting with the employee and his or her representative, within five (5) calendar days after receipt of the grievance in an attempt to settle the grievance. The City Administrator shall transmit a written answer to the employee and his or her representative within twenty (20) calendar days after such meeting.

Step 4. If satisfactory settlement is not reached under Step 3, the employee may appeal within ten (10) calendar days after receipt of the City Administrator's answer to a court of competent jurisdiction.

Section 5 The time limits provided for in this Article shall be strictly construed and the failure of either party to meet the time limits listed in this Article relative to resubmittal of the grievance shall constitute an unconditional acceptance of the remedy promulgated at the last step, or shall constitute a withdrawal of the grievance, whichever is appropriate.

Section 6 The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee or

employees and their supervisors in regard to any matter arising out of the employee' relationship with the City, and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure. These discussions may be initiated by either party.

ARTICLE 7
STRIKES

No right shall exist in any employee or employees to hinder, delay, limit or suspend the continuity or efficiency of any governmental service in a proprietary capacity of the City, either by strike, lockout or any other means.

Any encouragement, or promotion of strikes against the City in any form by the Union, or any employee or group of employees, shall be cause for decertification of the Union as bargaining agent for the employees and may be cause for the immediate discharge of any employee or employees who violate the provisions of this article.

ARTICLE 8
HOLIDAYS

The following days are designated, recognized and observed as paid holidays at the rate of eight (8) hours pay at one and one-half (1.5) times the employee's regular pay for all employees, unless otherwise stated below:

New Year's Day	Memorial Day	Christmas Day
President's Day	Labor Day	
Independence Day	Thanksgiving Day	
Veterans' Day	Day After Thanksgiving	

As of January 1st of each year, all employees shall be granted holiday time off at the rate of eighty-eight (88) hours during each calendar year. Employees who begin service on or after July 1st of a calendar year shall be granted holiday time off at the rate of forty-four (44) hours during the initial calendar year. Such holiday time off must be used during the calendar year for which it was granted; provided, however, an employee may carry over unused holiday time off from the preceding year upon the express written permission of the Fire Chief. Scheduling of such holiday time shall be at the discretion of the Fire Chief.

Holidays will be observed on the day observed by the City offices. The Union understands and agrees that because of normal work schedules, some employees will be required to work on the above-described holidays.

Holiday time used shall count as hours worked during a pay period for the purposes of calculating overtime.

Any unused Holiday time shall not be paid out upon separation from employment for any reason.

ARTICLE 9
VACATIONS

Section 1 **Eligibility and Allowances.**

Employees shall be granted an annual paid vacation for the period specified below based upon the following years of service:

One (1) thru Five (5) years	144 hours per year
Six (6) thru Ten (10) years	192 hours per year
Eleven (11) years and thereafter	264 hours per year

Employees shall accrue a portion of their vacation hours each pay period and may take their vacation as they are accrued. An employee must have their vacation schedule approved by their Shift Captain. Employees may carry over the amount of vacation earned in the preceding year.

A schedule showing how much vacation each employee has accumulated during each pay period shall be maintained and such employees shall be entitled to take such accumulated vacation subject to the provisions herein.

Vacation hours used shall count as hours worked during a pay period for the purposes of calculating overtime.

Section 2 **Vacation Pay.**

The rate of vacation pay shall be the employee's regular straight time rate of pay in effect for the employee's regular job on the date immediately preceding the employee's vacation period.

Section 3 Scheduling of vacation shall be within the discretion of the Fire Chief. A maximum effort will be made to grant each employee a vacation period at

the time it is desired with preference being granted to employees on the basis of length of service.

Section 4 **Pay out of Vacation Leave.**

An employee shall be compensated for his/her vacation hours earned but not taken at the time of his/her separation from employment, up to a maximum of the number of vacation hours he/she could have earned that year added to his/her final pay.

ARTICLE 10
SICK LEAVE

Section 1 **Allowance.**

Employees incurring any sickness or disability, which renders such employee unable to perform the duties of his or her employment, shall receive sick leave with pay.

Employees shall be eligible for sick leave after thirty (30) calendar days of service with the City, and shall earn sick leave at the rate of sixteen (16) hours per calendar month.

Sick leave hours used shall not count as hours worked during a pay period for the purposes of calculating overtime.

Abuse of the sick leave benefit will not be tolerated and will be considered a reason for dismissal.

Section 2 **Accumulation.**

Employees shall start to earn sick leave from their date of hire, and they shall accumulate sick leave as long as they are in the service of the City, up to a maximum of one thousand four hundred sixty (1,460) hours.

Sick leave shall not accrue during any period of leave of absence without pay, or during a period of sick leave of one month or more.

Any employee with more than one thousand four hundred sixty (1,460) hours of accumulated unused sick leave as of the 1st day of January of each year shall receive payment in amount equal to 25% of the value of employees' accumulated unused sick leave in excess of one thousand four hundred sixty (1,460) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of

accumulated sick leave hours in excess of one thousand four hundred sixty (1,460) hours times 25%. No employee shall receive payment for more than forty-eight (48) hours of unused sick leave in a year.

An employee's separate bank of sick leave shall not be included in any calculation regarding the City's buy back of sick leave hours an excess of one thousand four hundred sixty (1,460) hours on the 1st day of January of each year.

Section 3 Pay out of Unused Sick Leave Upon Separation.

An employee shall be compensated for his/her accumulated unused sick leave hours as set forth below, if the employee has provided the City Administrator/BPW General Manager with two (2) weeks written notice of resignation from employment. Any employee leaving employment voluntarily without providing two (2) weeks written notice shall forfeit his/her accumulated unused sick leave hours. Any employee leaving employment involuntarily shall not be required to provide two (2) weeks written notice in order to receive payment for his/her accumulated unused sick leave hours.

Employees shall be compensated for fifty percent (50%) of any accumulated unused sick leave hours up to a maximum of five hundred forty (540) hours, when they are permanently separated from employment for any reason; however, employees shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours up to a maximum of seven hundred eighty (780) hours, when they are permanently separated from employment as a result of 1) retirement on or after reaching the age of 55, or 2) retirement on or after reaching the age of 50 and having 20 years of service with the City, or 3) death. In the event of death, payment is to be made to the estate of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's separation. The amount of accumulated unused sick leave hours employee shall be compensated for upon separation from employment with the City for any reason shall not include any unused sick leave hours in the employee's separate sick leave bank.

Any employee hired after October 1, 2008 shall not be compensated for any accumulated unused sick leave upon separation from employment for any reason.

Section 4 Medical Certificate.

An employee may be required by the Fire Chief to submit a medical certificate for any absence for which sick leave is taken. Any employee required by the Fire Chief to submit a medical certificate for any absence for which sick leave is taken shall be reimbursed one hundred percent (100%) for the cost of obtaining said medical certificate. Failure to submit a medical certificate upon request may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave.

Section 5 Family Sickness or Disability.

An employee shall not use more than two hundred forty (240) hours per year of their accumulated sick leave for a sickness or disability of an employee's family member. Family member shall mean the employee's spouse, sons, daughters, mother, father, step-parents, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house.

Section 6 Work-Related Disability.

If an employee is unable to perform the duties of his or her employment as a result of accident or other cause while in the line of duty for the City, such employee shall be granted time off with pay for the first one hundred twenty (120) shift hours that he or she is absent from work and shall be required to use accumulated sick leave hours only for the proportion of the time which is compensated by the City as described below during which he or she is absent from work in excess of one hundred twenty (120) shift hours for each such accident or other cause. The City shall deduct from the wages paid to the employee the amount the employee is entitled to receive pursuant to the Nebraska Workers' Compensation Act.

Injury leave, sick leave, and workers compensation hours used shall not count as hours worked during a pay period for the purposes of calculating overtime.

If an employee is receiving workers compensation and the wish to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

Section 7 **Excess Sick Bank.**

In 2008 the City and Union agreed to reduce the amount of sick leave an employee could accumulate from two thousand one hundred and sixty (2,160) hours to one thousand four hundred sixty (1,460) hours. Any employee with more than one thousand four hundred and sixty (1,460) hours of accumulated unused sick leave as of October 1, 2008 retained their accumulated unused sick leave in excess of one thousand four hundred and sixty (1,460) hours in a separate bank of sick leave.

In 2015 the City and Union agreed to give employees the option to make a one-time non-reversible election to either receive payment for their separate bank of sick leave or retain their separate bank of sick leave. Employees electing to retain their separate bank of sick leave for future applicable use shall never be paid out for their separate bank of sick leave.

Michael Massey was the only employee to choose to retain his separate bank of sick leave. As of October 1, 2015 Michael Massey had a separate bank of sick leave with 585 hours.

Any employee with a separate bank of accumulated unused sick leave in excess of one thousand four hundred sixty (1,460) hours shall first use their one thousand four hundred sixty (1,460) hours of accumulated unused sick leave. Only after an employee has exhausted their one thousand four hundred sixty (1,460) hours of sick leave an employee may then use their separate bank of accumulated unused sick leave.

ARTICLE 11
LEAVES OF ABSENCE

Section 1 **Death in the Family.**

In the event of a death in the family, an employee may be granted time off with pay at the discretion of the Fire Chief in accordance with the following schedule of maximum allowable times:

Employee's spouse, child, mother, or father.....ten(10) consecutive calendar days

Employee's mother-in-law, father-in-law, step parents, brother, sister, brother-in-law, sister-in-law, grandparent, grandchild, daughter-in-law, son-in-law, aunt, or uncle.....five (5) consecutive calendar days

In the case of other relatives or friends, an employee may be granted time to attend the funeral up to a maximum of twelve (12) hours. If the above schedule is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum (24 hours) may be granted in cases in which an employee is a pallbearer.

Funeral leave shall not count as hours worked during a pay period for the purposes of calculating overtime.

Section 2 Military Leave with Pay.

All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve, shall be entitled to leaves of absence in accordance with State law. The City shall not pay for employee's health insurance while the employee is deployed or on active duty, but employees in such situations are entitled to exercise rights pursuant to COBRA, and the City will give notification to said employees in that event.

Military leave shall not count as hours worked during a pay period for the purposes of calculating overtime.

Section 3 Administrative Leave.

Employees may be granted administrative leave to attend official functions of professional organizations at the Fire Chief's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or workweek and such time used shall count as hours worked during a pay period for the purposes of calculating overtime. Employees who are granted time off at the discretion of the Fire Chief due to inclement weather or other emergency shall be included in this section.

Section 4 Other Administrative Leave.

Employees may also, with the Fire Chief's discretionary approval, be granted leave of absence to attend conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve or upgrade the individual's skill or professional ability.

Other administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or workweek and such time used shall count as hours worked during a pay period for the purposes of calculating overtime.

Section 5 **Personal Leave.**

Each employee will receive twenty-four (24) hours personal leave each year upon request for said leave from the Fire Chief or designated representative. Employees hired after July 1st of a calendar year shall be granted personal leave at the rate of twelve (12) hours during the initial calendar year. The scheduling of said personal leave will be within the discretion of the Fire Chief or designated representative, shall make a reasonable effort to allow an employee to use their requested personal leave if the employee has requested their personal leave at least one (1) shift in advance.

Personal Leave used shall count as hours worked during a pay period for the purposes of calculating overtime.

Any unused Personal Leave shall not be paid out upon separation from employment for any reason.

Section 6 **Family Medical Leave Act Policy.**

Employees shall be covered by any Family Medical Leave Act Policy, approved by the City Council by resolution.

Section 7 **Leave of Absence.**

An employee may request a leave of absence of up to ninety (90) calendar days. Before an employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, compensatory time, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state the reason they are requesting a leave of absence in writing. A leave of absence will not be authorized for a period of time of less than thirty (30) calendar days. While an employee is on a leave of absence they shall not receive or accrue any compensation, vacation, sick time, personal leave, or compensatory time, and the City shall not pay for the employee's health insurance. A request for a leave of absence must be in writing.

City Administrator shall determine approval or denial of an employee's request for a leave of absence. City Administrator shall notify the employee in writing of his decision.

Leave of absence time used shall not count as hours worked during a pay period for the purposes of calculating overtime.

ARTICLE 12
INSURANCE

Section 1 **Group Health Insurance.**

City shall provide all full-time employees and their dependents with group health insurance coverage. The health insurance benefits provided by the City shall remain substantially the same benefits as currently provided to employees upon the legal execution of this agreement as shown in Exhibit B.

In the event it becomes necessary to change insurance carriers or coverages, City and Union shall meet and discuss ways to maintain the level of benefits substantially equal to what is currently in effect.

Section 2 **Life Insurance.**

Term life insurance shall be provided for full-time employees in the benefit amount of one (1.0) times the employee's annual salary. Such life insurance shall not be provided for dependents.

Section 3 **Group Dental Insurance Plan.**

City agrees to make available to the employee and his or her family Group Dental Coverage, at the expense of the employee, at the group rate through payroll deductions. The administrative costs of the plan will be paid by the City.

Section 4 **Group Health Insurance for Retirees.**

Any employee who retires between the ages of fifty-five (55) and sixty-four (64), who is not covered by Medicare, and who has worked full-time for the City for a continuous period of fifteen (15) years is eligible for continued coverage under the group health insurance plan described in Section 1, at the expense of the retired employee. The coverage will consist of coverage which, as of the time the coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees who are currently employed by the City. Any employee seeking to extend health insurance benefits beyond retirement must provide written notification to the City within sixty (60) calendar days of the date of retirement. Such extended coverage will be terminated if the required monthly premiums for coverage as determined by the City are not remitted to the City on or before the first day of each month, when the employee dies, when the retired employee reaches the age of sixty-five

(65), or when the retired employee becomes eligible for Medicare, whichever event occurs sooner, unless otherwise required by Federal law; and coverage will not be reinstated.

Section 5 **Long Term Disability.**

All full time employees shall have long term disability insurance. The City shall increase employee's wages by amount equal to the premium for the long term disability insurance. Employees shall have said insurance premiums deducted from their wages.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long term disability payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

ARTICLE 13
RETIREMENT PAY

Section 1 **Present Pension Plan.**

The present Pension Plan for Firefighters, as required by State Law, shall continue in effect according to the provisions of State Law and Amendments thereto for all Fire Department employees covered by such Plan.

Section 2 **Payment to Survivors.**

In the event a retired employee and his or her survivor beneficiary, if any, die before the aggregate amount of pension payments received by them, equal the total amount of contributions made to the Pension Plan by the retired employee without interest, the difference between the total amount of his or her contributions and the aggregate amount of pension payments received shall be paid in a single sum to such person or persons as the retired employee shall have duly designated in writing filed with the City. If there be no such designation, such difference, shall be paid to his or her duly qualified personal representative, provided that if the difference is less than \$300, the City may pay the same to such claimant or claimants as the City, in its discretion, shall determine to be entitled to the same. This section shall be construed in accordance with applicable State Law.

ARTICLE 14
SALARIES

Section 1 Union Employees shall receive wages set forth in the pay scale effective October 1st of each year as shown in Exhibit "A", attached hereto and incorporated herein by this reference.

Employees working "Kelly Days" will be paid for one hundred and six (106) hours of regular time and (6) hours of overtime for each pay period in which the employee works all scheduled shift hours, or uses any combination of vacation leave, holiday pay, personal leave, administrative leave, or comp time. Should the employee use sick leave, injury leave, funeral leave, military leave, or a leave of absence, such hours shall be reduced from the six (6) hour overtime calculation.

Examples:

1. Employee works no additional overtime hours, takes twenty-four (24) hours vacation, and uses forty-eight (48) hours of sick leave. Employee will be paid one hundred twelve (112) regular hours of compensation and no overtime.
2. Employee works twenty-four (24) hours overtime, takes twenty-four (24) hours vacation, and uses three (3) hours of sick leave. Employee will be paid one hundred nine (109) hours of regular time and twenty-seven (27) hours of overtime.
3. Employee works twenty-four (24) hours overtime, takes eight (8) hours of holiday pay, and eight (8) hours of personal leave. Employee will be paid one hundred six (106) hours of regular time and thirty (30) hours of overtime.
4. Employee works no overtime, and uses eight (8) hours of comp time. Employee will be paid one hundred six (106) hours of regular time and six (6) hours of overtime.

The City shall maintain a list of hours worked by each employee subject to this union contract. Upon the termination of "Kelly Days" or upon an employee's permanent separation from employment, the City shall verify the actual hours worked by the employee are equal to the hours the employee was paid. The City shall make adjustments for employees who were overcompensated or undercompensated after the date of termination of "Kelly Days" or upon the employee's permanent separation from employment.

Section 2 **EMT Pay.**

An employee serving as a Fire Fighter/EMT shall receive the Fire Fighter/EMT wages set forth in the pay scale shown in Exhibit "A". The designation of any Fire Fighter/EMT shall be within the complete discretion of the Fire Chief; and the maximum number of employees who shall receive such designation shall be established by the City.

Section 3 **Paramedic Pay.**

An employee designated by the Fire Chief to serve as a Fire Fighter/Paramedic shall receive the Fire Fighter/Paramedic wages set forth in the pay scale shown in Exhibit "A". The designation of any Fire Fighter/Paramedic shall be within the complete discretion of the Fire Chief; and the maximum number of employees who shall receive such designation shall be established by the City. It is agreed that no employee shall be designated both as Fire Fighter/EMT and as a Fire Fighter/Paramedic.

Section 4 **Longevity Pay.**

An employee with fifteen (15) years of continuous full-time service will receive a one-time payment of one thousand five hundred dollars (\$1,500.00) on the date of the first regular payday following his or her anniversary date of employment with the City for such fifteen (15) years. It is understood by the City and the Union that the following employees will be eligible for such one-time payment on the following eligibility dates:

<u>Employee</u>	<u>Date of Eligibility</u>
Nicholas Koch	12-23-2021
Jeremiah Yurka	10-22-2022

An employee with twenty (20) years of continuous full-time service will receive a one-time payment of three thousand dollars (\$3,000.00) on the date of the first regular payday following his or her anniversary date of employment with the City for such twenty (20) years. It is understood by the City and the Union that the following employees will be eligible for such one-time payment on the following eligibility dates:

<u>Employee</u>	<u>Date of Eligibility</u>
Nathan Koch	12-2-2022
Bryan Jelinek	2-22-2024
Nicholas Koch	12-23-2026

Any employee hired after October 1, 2008, shall not be compensated upon their fifteen (15) or twenty (20) years of continuous full time service with the City.

Section 5 **Out-of-Rank Pay.**

Any employee assigned to serve as Acting Captain for more than eleven (11) hours during a shift shall receive out-of-rank pay in the amount of an additional five (5%) percent of their base hourly wage (excluding or Paramedic pay) for each hour they serve as Acting Captain.

ARTICLE 15
CHANGE OF SHIFT OR POSITION

Section 1 In the event a shift change results in an employee being scheduled to work less than one hundred twenty (120) hours in consecutive weeks, and said shift change is not at the request of the employee, then the employee shall be given the opportunity to work additional hours to compensate the employee for the reduction in the scheduled hours.

ARTICLE 16
PERFORMANCE BASED INCREASES

Performance based salary increases, shall be granted in accordance with the following guidelines:

In order for an employee to move up a pay grade, they must have fulfilled all of the requirements for all previous pay grades. Any performance based raises above the B pay grade shall be based upon an employee's performance between October 1st and September 30th of each year and shall be granted on October 1st of the following year.

Pay Grade – Requirements employee must fulfill before receiving a performance based increase to the next pay grade:

- A) Probationary Employees
- B) Successful completion of his/her probationary period and EMT Certified.
- C) At least one (1) year of service, certified to drive ambulance, performed six (6) hours of community education in the last year preapproved by

the Fire Chief or his/her designee, no written reprimand in the last year, makes twenty-five percent (25%) of shift call backs, and an evaluation score of satisfactory or higher at last annual evaluation.

- D) At least two (2) years of service, Firefighter 1 certified, performed six (6) hours of community education in the last year preapproved by the Fire Chief or his/her designee, no written reprimand in the last year, makes twenty-five percent (25%) of shift callbacks, and an evaluation score of satisfactory or higher at last annual evaluation.
- E) At least three (3) years of service, driver certified on all vehicles except the front line engine and Aerial truck, Hazmat Tech certified, performed six (6) hours of community education in the last year preapproved by the Fire Chief or his/her designee, no written reprimand in the last year, makes twenty-five percent (25%) of shift call backs, and an evaluation score of satisfactory or higher at last annual evaluation.
- F) At least four (4) years of service, driver certified on all vehicles, performed six (6) hours of community education in the last year preapproved by the Fire Chief or his/her designee, no written reprimand in the last year, makes twenty-five percent (25%) of shift call backs, an evaluation score of satisfactory or higher at last annual evaluation and Firefighter 2 certified or successfully completed ten (10) hours of job applicable training in the last year as approved by the Fire Chief or his/her designee.
- G) At least five (5) years of service, performed six (6) hours of community education in last year preapproved by the Fire Chief or his/her designee, no written reprimand in the last year, makes twenty-five percent (25%) of shift call backs, an evaluation score of satisfactory or higher at last annual evaluation, and successful completion of Fire Officer One (1) or successfully completed twenty (20) hours of job applicable training in the last year as approved by the Fire Chief or his/her designee.
- H) At least six (6) years of service, performed six (6) hours of community education in the last year preapproved by the Fire Chief or his/her designee, no written reprimand in last year, makes twenty-five percent (25%) of shift call backs, an evaluation score of satisfactory or higher at last annual evaluation, and an Associates Degree in a related field as approved by the Fire Chief or his/her designee or successfully completed thirty (30) hours of job applicable training in the last year as approved by the Fire Chief or his/her designee.

For purposes of calculating the percentage needed for performance based raises, an employee shall be exempt from shift callbacks for prior approved training leave and on duty injury leave.

For the purpose of calculating the twenty-five percent (25%) of shift call backs for a performance based increase to the next pay grade, shift call backs that occur while an employee is on vacation, workers compensation, or FMLA shall not be included in the calculation. An employee's off duty days will count as part of the vacation exemption stated above if the employee so requests prior to the call back.

The hours of job applicable training required for Steps F, G, and H shall not include continuing education hours required by an employee to maintain his/her State of Nebraska EMT, Advanced EMT, EMS, or Paramedic License.

An employee may be designated by the Fire Chief as a "Senior Driver." The employee shall not receive any additional compensation for such designation. The designation of any "Senior Driver" shall be within the complete discretion of the Fire Chief.

ARTICLE 17 **OVER AND CALL-TIME**

Section 1 **Overtime.**

Each employee shall be paid overtime at the rate of one and one-half (1.5) times the employee's regular hourly rate for all hours actually worked in excess of two hundred twelve (212) hours in the twenty-eight (28) day work period established for the employee and indicated on the time sheet of the employee.

Employees shall be paid overtime at the rate of one and one-half (1.5) times the employee's regular hourly rate for all hours actually worked in excess of one hundred and six (106) hours in a pay period established for the employee and indicated on the time sheet of the employee.

For all employees compensatory time rather than overtime compensation may be given for all hours actually worked in excess of two hundred twelve (212) hours in a twenty-eight (28) day work period established for the employee indicated on the time sheet of the employee.

Compensatory time rather than overtime compensation may be given for all hours actually worked in excess of one hundred and six (106) hours in a pay period established for the employee indicated on the time sheet of the employee.

The City determines whether compensatory time is given in lieu of overtime payment in cash shall be in the discretion of the Fire Chief or his designee; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at a rate of one and one half (1½) hours of compensatory time for each hour of overtime worked. No employee shall accrue more than forty-eight (48) hours of compensatory time.

Section 2 **Call-Time.**

Any employee called to work outside of his regularly scheduled shift shall be paid for a minimum of two (2) hours of work at the overtime rate.

ARTICLE 18
PROMOTIONS

All promotions of employees of the department to fill existing positions within the department may be made from the ranks of such employees in accordance with both State and local Civil Service laws, rules and regulations of the City of Beatrice; provided that any employee to be so promoted must be qualified in accordance with both State and local Civil Service laws, rules and regulations for the position to be filled.

When an employee in one classification is promoted to a position in another classification, such employee shall receive a minimum pay increase that is equivalent to at least a one (1) step adjustment in his or present classification.

ARTICLE 19
UNIFORMS AND PROTECTIVE EQUIPMENT

Section 1 **Uniforms.**

Uniforms for the employees represented by the bargaining unit shall be furnished to the employee by the City. Each member of the Fire Department shall be paid thirty dollars (\$30.00) per year by the City for maintenance of required uniforms.

Section 2 **Provided by City.**

Employees required to wear protective clothing or any type of protective device shall be provided such protective clothing or any protective device by the City.

Any and all protective clothing and protective devices provided by the City including but not limited to uniforms, protective clothing, devices and goggles shall remain the property of the City and shall be returned to the City upon request, or separation from employment. Any employee may retain their name patch and helmet shield upon separation from employment.

ARTICLE 20
PERSONNEL RECORD

An employee shall be entitled to review his or her complete personnel record for a reasonable time on his or her off-duty hours, and when the City Administrator or his or her designated representative is present to obtain the file for the employee. In the event such employee disagrees with anything in such personnel record, he or she may submit a rebuttal in writing to be placed in said personnel record and affixed to any personnel action taken by the City. Such rebuttal shall constitute and remain a part of said personnel record.

ARTICLE 21
ENTIRE AGREEMENT

The parties acknowledge that during the negotiations which resulted in this agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter not removed by law from the area of collective bargaining, and that the understanding and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this agreement. Therefore, the City and the Union, for the duration of this agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter not specifically referred to, or covered in this agreement, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated or signed this agreement.

ARTICLE 22
EDUCATIONAL PAY

Section 1 The City shall pay each employee at his or her then existing rate of pay for hours actually attending required classes or classes required to maintain state licenses used in the performance of the duties of his or her employment and shall pay class-related expenses per policy of the Mayor and City Council.

Section 2 **National Registry.**
The City shall reimburse the cost of the fee for EMTs or Paramedics to be certified or recertified on the National Registry of Emergency Medical Technicians.

ARTICLE 23
SAVINGS CLAUSE

Section 1 Should any Article, Section, or portion thereof, of this agreement be held unlawful and unenforceable by proper legislative or judicial authority or any court or competent jurisdiction, upon the issuance of such a decision, the parties shall agree immediately to negotiate a substitute for the invalidated Article, Section, or portion thereof.

Section 2 If any provision of this agreement is declared by proper legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

ARTICLE 24
REOPENER CLAUSE

Health Insurance - The parties hereby agree that upon execution of this Agreement should the City, upon written notice to the Fire Union, reopen Article 12 Sections 1 & 4 of this Agreement as those items relate to group health insurance, the Fire Union may reopen Article 14 Section 1 and Exhibit A of this Agreement as those items relate to wages. Such notice shall be given by the City forty-five (45) calendar days prior to the date upon which renegotiations shall begin. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

MSA - The parties hereby agree that if during the term of this Agreement that the City of Beatrice is designed as a Metropolitan Statistical Area (MSA) by the United States Census Bureau that either party may upon written notice provided to the other party, reopen Article 12 Section 1 & 4 of this Agreement as those items relate to group health insurance and Article 14, Section 1 and Exhibit A of this Agreement as those items relate to wages. Such notice shall be given by the City forty-five (45) calendar days prior to the date upon which renegotiations shall begin. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

Inflation – The parties hereby agree that between September 1, 2024 and September 15, 2024, the Fire Union may notify the City, in writing of its desire to reopen this Agreement, provided, that such reopening and any resulting negotiations shall be for the sole purpose of negotiating a change in the base hourly rates established in Article 14, Section 1 and Appendix "A" for employees for the period from October 1, 2024 to September 30, 2026 and provided that Union shall only have the right to reopen this Agreement at such time if the Consumer Price Index for All Urban Consumers (CPI-U) for All items in Midwest – Size Class B/C, all urban for the period beginning the month of November, 2021 and ending the month of July, 2024 increases by at least 15%. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

ARTICLE 25

TERMINATION OF AGREEMENT

This agreement shall be effective as of the 1st day of October, 2021, and shall remain in full force and effect until the 30th day of September, 2027. Thereafter, it shall be automatically renewed for subsequent two year periods unless either party shall notify the other in writing sixty (60) calendar days prior to the anniversary date that it desires to modify this agreement. In the event such notice is given, negotiations shall begin not later than thirty (30) calendar days prior to the anniversary date and this agreement shall remain in full force and effect during the period of negotiations.

IN WITNESS WHEREOF, the parties hereto have set their hands this 18th day of October, 2021.

FIREFIGHTERS UNION,
LOCAL NO. 1098

CITY OF BEATRICE, NEBRASKA,
A Municipal Corporation

By [Signature]
President

By [Signature]
~~Stan Wirth, Mayor~~ Richard Chabaugh, Acting Mayor

By [Signature]
Vice President

Attest: [Signature]
Erin Saathoff, City Clerk

Exhibit A

	10/1/2021 - 3.0%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 14.80	\$ 15.55	\$ 16.32	\$ 17.13	\$ 18.00	\$ 18.90	\$ 19.84	\$ 20.83	
Fire Fighter/Paramedic	\$ 17.95	\$ 18.67	\$ 19.40	\$ 20.18	\$ 21.01	\$ 21.87	\$ 22.78	\$ 23.72	

	10/1/2022 - 3.0%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 15.24	\$ 16.02	\$ 16.81	\$ 17.64	\$ 18.54	\$ 19.47	\$ 20.44	\$ 21.46	
Fire Fighter/Paramedic	\$ 18.49	\$ 19.23	\$ 19.98	\$ 20.78	\$ 21.64	\$ 22.53	\$ 23.46	\$ 24.43	

	10/1/2023 - 2.5%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 15.62	\$ 16.42	\$ 17.23	\$ 18.08	\$ 19.01	\$ 19.95	\$ 20.95	\$ 21.99	
Fire Fighter/Paramedic	\$ 18.95	\$ 19.71	\$ 20.48	\$ 21.30	\$ 22.19	\$ 23.09	\$ 24.05	\$ 25.04	

	10/1/2024 - 2.5%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 16.01	\$ 16.83	\$ 17.66	\$ 18.53	\$ 19.48	\$ 20.45	\$ 21.47	\$ 22.54	
Fire Fighter/Paramedic	\$ 19.42	\$ 20.20	\$ 20.99	\$ 21.83	\$ 22.74	\$ 23.67	\$ 24.65	\$ 25.67	

	10/1/2025 - 2.5%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 16.41	\$ 17.25	\$ 18.10	\$ 19.00	\$ 19.97	\$ 20.96	\$ 22.01	\$ 23.11	
Fire Fighter/Paramedic	\$ 19.91	\$ 20.71	\$ 21.52	\$ 22.38	\$ 23.31	\$ 24.26	\$ 25.26	\$ 26.31	

	10/1/2026 - 3.0%								
	A	B	C	D	E	F	G	H	
Fire Fighter/EMT	\$ 16.90	\$ 17.77	\$ 18.64	\$ 19.57	\$ 20.57	\$ 21.59	\$ 22.67	\$ 23.80	
Fire Fighter/Paramedic	\$ 20.50	\$ 21.33	\$ 22.16	\$ 23.05	\$ 24.01	\$ 24.99	\$ 26.02	\$ 27.10	

APPENDIX B

Summary of Covered Benefits	Plan A		Plan B		Plan C - HDHP	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Annual Deductible	Calendar Year		Calendar Year		Calendar Year	
Plan Year or Calendar Year	Calendar Year		Calendar Year		Calendar Year	
Individual	\$500	\$500	\$1,000	\$1,000	\$1,500	\$1,500
Family	\$1,000	\$1,000	\$2,000	\$2,000	\$3,000	\$3,000
Out-of-pocket Maximum	Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx coinsurance	
Individual	\$1,500	\$1,500	\$2,500	\$2,500	\$3,100	\$3,100
Family	\$3,000	\$3,000	\$5,000	\$5,000	\$6,200	\$6,200
Physician Services						
PCP / Specialist	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Chiro	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year
Preventive Care						
Adult	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Child	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Urgent Care	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Hospital Services						
Inpatient	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Outpatient/Ambulatory Surgery	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Emergency Room	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Lab/X-Ray						
Diagnostic Lab / X-ray	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
High Tech Services (MRI, CT scans, etc.)	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Prescriptions (30 days)	RX PLAN A		RX PLAN A			
Tier 1	20% (minimum \$5 copay)	Same as In-network	20% (minimum \$5 copay)	Same as In-network		
Tier 2	20% (minimum \$25 copay)		20% (minimum \$25 copay)			
Tier 3	20% (minimum \$35 copay)		20% (minimum \$35 copay)			
Tier 4	Injectables only 20% (minimum \$70 copay)		Injectables only 20% (minimum \$70 copay)			
Mail Order (90 days)	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network		
Prescriptions (30 days)	RX PLAN B		RX PLAN B		RX PLAN B	
Tier 1	20% after ded.	Same as In-network	20% after ded.	Same as In-network	20% after ded.	Same as In-network
Tier 2	20% after ded.		20% after ded.		20% after ded.	
Tier 3	20% after ded.		20% after ded.		20% after ded.	
Tier 4	Injectables only 30% after ded.		Injectables only 30% after ded.		N/A	
Mail Order (90 days)	20% after ded.	20% after ded.	20% after ded.	20% after ded.	20% after ded.	Same as In-network
	No Accident Benefit No Deductible Rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Specialty Rx		No Accident Benefit No deductible rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Specialty Rx		Step Therapy Mandatory Specialty Rx	

Employee Cost

Plan A	
Employee	\$50/month
Employee & Spouse	\$105/month
Employee & Children	\$98/month
Family	\$160/month

Plan B	
Employee	no charge
Family	no charge

Plan C	
Employee	no charge
Family	no charge

Employer HSA Contribution for Plan C: \$500/Single \$1,000/Family
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RESOLUTION NUMBER 6799

WHEREAS, the City of Beatrice, Nebraska, recognizes the Fraternal Order of Police Lodge 84, ("Union"), as the exclusive bargaining agent for certain employees of the City of Beatrice; and

WHEREAS, the City of Beatrice previously entered into a Union Contract with the Union; and

WHEREAS, the term of said contract, expired on September 30, 2021, and the Union notified the City that it does not desire to automatically renew the contract; and

WHEREAS, the City desires to enter into a new Union Contract with the Fraternal Order of Police Lodge 84 for a term of three (3) years.

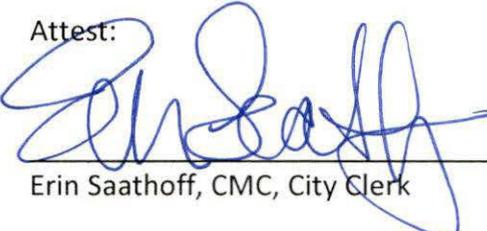
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

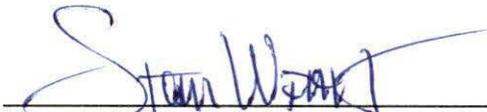
SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Union Contract with the Fraternal Order of Police Lodge 84 for the term of three (3) years beginning on October 1, 2021 and ending on September 30, 2024. A copy of said Union Contract, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 15th day of November, 2021.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor

Bargaining Unit Contract

City of Beatrice, Nebraska

And

**Fraternal Order of Police
Lodge #84**

2021-2024

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AGREEMENT

This Agreement made this 15th day of November, 2021, by and between, Fraternal Order of Police Lodge #84, hereinafter referred to as the "F.O.P.", and the City of Beatrice, Nebraska, a Municipal Corporation of the first class, organized under the laws of the State of Nebraska, hereinafter referred to as "City" or "Employer."

WHEREAS, the City Council of the City of Beatrice, has recognized the F.O.P. as the exclusive collective bargaining agent for all Police Sergeants, Police Investigators, Police Officers, , Public Safety Dispatchers and Community Service Officers, and,

WHEREAS, the F.O.P. recognizes the prerogative of the City of Beatrice to operate and manage its affairs in all respects in accordance with its responsibilities and powers of authority which the City of Beatrice must retain in order to properly operate and manage its affairs as required by law; and,

WHEREAS, this Agreement has, as its purpose, the promotion of harmonious relations between the City and the F.O.P. and the establishment of an equitable and peaceful procedure for the resolution of differences and the establishment of rates of pay, hours of work, and other conditions of employment as specifically set forth in this Agreement, not otherwise inconsistent with the ordinances of the City of Beatrice or the Statutes of the State of Nebraska, the parties hereto covenant and agree as follows:

ARTICLE 1

RECOGNITION

Section 1 The City hereby recognizes the F.O.P. as the exclusive representative of all Police Sergeants, , Police Investigators, Police Officers, Public Safety Dispatchers, and the Community Service Officers.

Section 2 The City will not aid, promote or finance any labor group or organization which purports to engage in collective bargaining or make any agreement with any individual, group, or organization for the purpose of undermining the F.O.P. or which is in conflict with this agreement.

Section 3 The City or any employee organization may request a new determination as to the majority status of the F.O.P. Such request may be made by the City if it has received written notice of at least thirty-three and one-third (33 1/3) percent of the employees of the bargaining unit as defined in Section 1, stating that they no longer desire to be represented for the purposes of collective bargaining by the F.O.P. Such request may be made by any employee organization by submitting to the City the signatures of at least thirty-three and one-third (33 1/3) percent of the employees listed in Section 1, authorizing and designating it to represent the employees as the sole exclusive bargaining agent for the purposes of collective bargaining. To be valid, signatures must be no more than six (6) months old.

Within ten (10) days of the time of the receipt of such request by the City, the City will meet with the F.O.P. and with the petitioning organization, if any, for the purpose of determining and certifying the validity of the signatures, establishing the rules, date, time and conduct of the secret ballot election, responsibility for paying the cost and certifying the results of such election. The election shall be decided by a majority of those voting. Such election will be held to determine whether a majority of the employees covered by this agreement desire to be represented by the F.O.P., by another employee's organization, or by no employee's organization.

If the majority prefers not to be represented by the F.O.P., then this agreement shall expire on its next expiration date, without renewal or any bargaining with the F.O.P. for renewal.

Section 4 Throughout this agreement the term "sworn officer" or "sworn employee" shall refer to any member of the Beatrice Police Department with the rank of police officer or sergeant.

ARTICLE 2

MANAGEMENT RIGHTS

Except where limited by express provisions of this agreement, nothing herein shall be construed or interpreted to restrict, limit, or impair the right, powers, and authority of the employer heretofore possessed and hereafter granted by virtue of law, regulations or resolution. These rights, powers, and authority include, but are not limited to, the right to manage and supervise all of its operations and establish work rules, regulations, and other terms and conditions of employment.

ARTICLE 3

CONTRACT CHANGES

Prior to the submission of any recommendation for any changes in ordinances affecting wages, fringe benefits, or working conditions, if such changes are in regard to areas covered by this contract and are in areas where City does not have discretion or prerogative, the Mayor, the Council, or their representatives will negotiate with the F.O.P. in an attempt to reach an agreement on such change. If so reached, such agreement will be reported to the City Council. Negotiations under this article shall be informal and non-binding, unless the pertinent procedures of this contract in regard to contract re-openings are followed.

ARTICLE 4

HOURS OF WORK

Section 1 Regular Hours

The regular hours of work each day shall be consecutive except that they may be interrupted by a lunch break, set as to starting time and duration by the Department Head within his or her sole discretion. The regular hours of work shall constitute a work shift.

For all employees assigned to work a scheduled twelve (12) hour work shift, such lunch break shall be one (1) hour.

For all employees assigned to work a scheduled ten (10) hour work shift, such lunch break shall be forty-five (45) minutes.

For all employees assigned to work a scheduled eight (8) hour work shift, such lunch break shall be thirty (30) minutes, and shall not be considered in counting the regular paid hours of work.

All employees holding the positions of Police Sergeant, Police Officer, and Public Safety Dispatcher, *not* assigned to work regularly scheduled eight (8) hour work shifts each week shall remain available for work during their lunch breaks. The Chief of Police may place reasonable restrictions upon the employee's activities during such lunch breaks, and such lunch breaks shall be considered regular paid hours of work.

Section 2 An employee's regular work shift shall commence at the regular starting time. All employees shall be scheduled to work a regular work shift, and each shift shall have a regular starting and quitting time. There will be no split shifts.

Section 3 Schedule Changes

No employee's schedule will be changed without at least two (2) weeks' notice, except:

- in departmentally declared emergencies,
- as provided in Section 5 of this Article, or
- if the employees whose schedule is being changed agrees to waive the two (2) week notice.

In the event of a departmentally declared emergency, all available personnel, within job classifications called to work, will initially be required to report for work.

Any Public Safety Dispatcher requesting time off, other than sick leave or approved vacation time, shall submit said request to the Communication Director and said request shall not be approved until the following. The Communication Director shall contact all eligible employees to voluntarily fill the hours requested off. If an eligible employee volunteers to fill the requested time off, then the employee's request for time off may be granted. If no eligible employee agrees to voluntarily fill the hours requested off, the Communication Director shall determine if the employee's request for time off warrants mandating an eligible employee to fill the hours requested off. If the Communication Director determines that the employee's request for time off does warrant mandating an eligible employee to fill the hours requested off then the Communication Director may mandate an eligible employee to work the requested time off as outlined in Section 5. If the Communication Director determines that the employee's request for time off does not warrant mandating an eligible employee to fill the hours requested off then the Communication Director shall deny the employee's request for time off.

Section 4 Police Department Work Schedule

The work schedules showing the employee's work shifts, work days, and hours shall be posted at all times, and such schedules shall be posted at least two (2) weeks in advance. All schedule changes, other than those resulting from an employee illness, injury, or emergency, shall be posted at least two (2) weeks in advance. Employees must be notified by personal contact of any changes to their work schedule, if less than two (2) weeks' notice.

Section 5 Mandated Work

The Department Head or his designee will develop an overtime list for each job classification. The initial overtime list to be developed will be in ascending order beginning with the employee with the least amount of seniority. The names of new employees will be added to the top of the overtime list once they have completed the Field Training program.

When an overtime requirement is identified in advance, the Department Head or his designee shall post the opening and allow employees to sign up and volunteer for the overtime opening. The first employee signing up for the overtime opening will be scheduled and expected to work the overtime. Volunteer overtime should be distributed as evenly as possible to allow all employees the opportunity for overtime. Any employee who volunteers to work an overtime shift of six (6) hours or more will move to the bottom of the overtime list.

When overtime is unplanned and not posted in advance it will be offered first to the employees on duty the shift that precedes the overtime shift and whose name is closest to the top of the overtime list. If no on duty employees volunteer, the overtime may then be offered to off duty employees. If mandatory overtime is necessary, it will be directed to the employees on duty the shift that precedes the mandatory overtime shift and whose name is closest to the top of the overtime list. Once the employee has worked one (1) or more hours of mandatory overtime, their name will be moved to the bottom of the overtime list.

Except in the case of a departmentally declared emergency, the total hours worked when combining regularly scheduled work shift hours with mandatory overtime shall not exceed the following limits: employees assigned to work a regularly scheduled twelve (12) hour work shift shall not work more than sixteen (16) consecutive hours; employees assigned to work a regularly scheduled ten (10) hour work shift shall not work more than fourteen (14) consecutive hours; and employees assigned to work a regularly scheduled

eight (8) hour work shift shall not work more than twelve (12) consecutive hours.

An updated overtime list shall be posted in plain view.

Employees on vacation or compensatory time off shall only be considered an eligible employee for overtime as a last resort

ARTICLE 5

WORK BREAKS

In addition to lunch breaks, each employee shift shall include two (2) break periods per shift that shall not be taken consecutively; provided that if the employee's shift is six (6) hours or less, then the employee shall have one (1) break period. The break periods shall be paid and shall be fifteen (15) minutes in duration.

ARTICLE 6

NON-DISCRIMINATION

The provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination as to age, sex, disability, marital status, race, color, creed, national origin, or political affiliation. The F.O.P. shall share equally with the employer the responsibility for applying this provision of the Agreement.

ARTICLE 7

FRATERNAL ORDER OF POLICE STEWARDS

Section 1 Employees within the bargaining unit shall be represented by stewards. F.O.P. Officers will act as alternate stewards to serve in the absence of the regular stewards.

Section 2 When requested by an employee, either a steward or an F.O.P. officer, will investigate any alleged or actual grievance in his or her assigned work area and assist in its presentation. It is understood that a F.O.P. officer can assist the steward at any hearing in the grievance procedure

Section 3 When an employee presents his or her own grievance, at a step within the grievance procedure, without intervention of a F.O.P. steward, the steward shall be given an opportunity to be present.

Section 4 No steward, or F.O.P. officer shall leave his or her regularly assigned work in order to investigate a grievance without first obtaining approval of his or her supervisor outside the bargaining unit, and provided further, such approval shall not be unreasonably withheld.

Section 5 Departmental duty shall at all times have precedence over a steward or F.O.P. officer's duties as defined in this Article.

ARTICLE 8

FRATERNAL ORDER OF POLICE OFFICIAL VISITATION

Section 1 Accredited representatives of the F.O.P. shall have access to the offices and work areas of the City during working hours, provided they do not disrupt the work of other employees in the department and provided further, that the approval of the department head or his or her designated representative is granted.

Section 2 Upon ratification of any new contract, a pdf copy of the contract shall be made available to all Bargaining Unit employees.

ARTICLE 9

FRATERNAL ORDER OF POLICE ACTIVITY

Section 1 The F.O.P. agrees that its members will not solicit membership , or otherwise carry on F.O.P. activities during working hours.

Section 2 On duty employees will be permitted to attend F.O.P. meetings during their lunch and break periods, but shall remain subject to call.

ARTICLE 10

GRIEVANCE PROCEDURE

Section 1 The grievance procedure set forth herein is designed to preserve harmony and friendly relations between the City and its employees. Furthermore, the grievance procedure is to provide a just and equitable method for resolution of grievances without discrimination, coercion, restraint, or reprisal against any such employee who may submit or be involved in a grievance.

Section 2 In reducing a grievance to writing, the following information must be stated with reasonable clarity: the exact nature of the grievance, the act or acts of commission or omission, the exact date of the act or acts or commission or

omission, the identity of the party or parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the grievance, if known, the specific provisions of this agreement that are alleged to have been violated, and the remedy which is sought.

Section 3 A grievance is hereby jointly defined to be any disagreement concerning the interpretation or application of the terms of this agreement.

Section 4 Grievances shall be processed in the following manner:

Step 1. Any regular employee having a grievance or his or her designated representative shall first present the grievance in writing to the employee's division supervisor or his or her designated representative, who shall not be a Bargaining Unit employee of this contract, within fourteen (14) calendar days after knowledge of its occurrence. The supervisor shall then attempt to adjust the matter and shall respond in writing to the employee, and his or her designated representative, within ten (10) calendar days after presentation of the grievance.

Step 2. If satisfactory settlement is not reached under Step 1, the grievance shall be presented by the employee, or his or her designated representative, to the Chief of Police in writing within ten (10) calendar days of receipt of the written notification set forth in Step 1. The Chief of Police shall issue a written decision to the employee and designated representative, within ten (10) calendar days from the date of receipt of this grievance.

Step 3. If satisfactory settlement is not reached under Step 2, the employee, or his or her designated representative, shall resubmit the grievance described in Step 1, above, within ten (10) calendar days of receipt of the written notification set forth in Step 2, to the City Administrator. The City Administrator shall schedule a meeting with the employee, or his or her designated representative, within ten (10) calendar days after receipt of the grievance in an attempt to settle the grievance. The City Administrator shall transmit a written answer to the employee, and his or her designated representative, within fifteen (15) calendar days after such meeting.

Step 4. If satisfactory settlement is not reached under Step 3, the employee may appeal within thirty (30) calendar days after receipt of the City Administrator's answer, to a court of competent jurisdiction.

Section 5 The time limits provided for in this article shall be strictly construed and the failure of either party to meet the time limits listed in this article relative to resubmittal of the grievance shall constitute an unconditional acceptance of

the remedy promulgated at the last step, or shall constitute a withdrawal of the grievance, whichever is appropriate.

In the event the final day of a designated time limit falls on a Saturday, Sunday, or Holiday, the time limit shall be extended to the next business day.

Section 6 The establishment of this procedure for the formal handling of grievances shall not prohibit or discourage discussion between an employee or employees and their supervisors in regard to any matter arising out of the employee's relationship with the City, and shall not prohibit or discourage the friendly solution of such matters without recourse to the formal grievance procedure. These discussions may be initiated by either party.

ARTICLE 11

STRIKES AND LOCKOUTS

Section 1 No lockout of employees shall be instituted by the employer during the term of this Agreement.

Section 2 No strikes of any kind shall be caused or sanctioned by the F.O.P. during the term of this Agreement.

ARTICLE 12

BULLETIN BOARDS

Section 1 The City agrees to make available sufficient bulletin board space for the posting of official F.O.P. notices and other official F.O.P. business on City bulletin boards.

ARTICLE 13

BARGAINING COMMITTEE

Section 1 The Bargaining Committee of the F.O.P. will include representatives from F.O.P. Lodge #84 who are employees of the Beatrice Police Department. F.O.P. Lodge #84 will also have the option of having representation from the State F.O.P. Lodge present during bargaining meetings. The F.O.P. will give to management in writing the names of the employee representatives on the Bargaining Committee.

Section 2 There will be no discrimination against any employee because of his or her duties as a F.O.P. official, steward, or committee member.

Section 3 The bargaining committee of the F.O.P and representatives of the City shall arrange a time to meet for contract negotiations. Employees of the F.O.P. bargaining committee who are on duty during said contract negotiations shall be paid to attend and be paid for time spent in such negotiations.

ARTICLE 14

HOLIDAYS

Section 1 Holidays Recognized and Observed

The following and any other days that may be designated by the Mayor and City Council shall be recognized as holidays:

New Year's Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day-After-Thanksgiving Day
Independence Day	December 24 th
Labor Day	Christmas Day

In addition to the authorized holidays specified in Section 1, the City will provide one (1) personal day off each calendar year to all eligible employees. Said personal day may be taken at any time during the year, and requests for such personal day off shall not be unreasonably denied.

Section 2 Holiday Work

If an employee is required to work on any of the holidays listed in Section 1, he or she shall be granted one and one-half (1 ½) times his or her regular hourly rate of pay, as holiday pay, for the number of hours actually worked on any shift which begins on such holiday.

If an employee is normally required to work on any of the holidays listed in Section 1 and the holiday falls on a day when the employee is absent from work due to use of the employee's annual vacation leave or compensatory time, the employee shall designate one of two options:

- a. The employee shall use a full shift of vacation and/or compensatory time AND receive eight (8) hours additional regular pay; or
- b. The employee shall designate the day as a "holiday day off" and receive the number of hours in their ordinary shift as regular pay.

Section 3 Holiday Pay for No Work Due to Regular Day off

Whenever a holiday is observed on the regular day off of an employee and the employee performs no work on such holiday, such employee shall receive the number of hours in their ordinary shift as regular pay.

Section 4 Holiday Pay for Less Than the Number of Hours of Work Performed in His/Her Ordinary Shift

Whenever an employee is scheduled to work less than eight (8) hours on any of the holidays listed in Section 1, the employee shall receive 1 ½ times his regular hourly rate of pay for the time they are scheduled to work on the holiday and straight pay for the difference between time worked and time not worked, to total the number of hours in their ordinary shift.

Section 5 Absent Without Authorized Leave

Employees who are absent without authorized leave on the workday immediately preceding or following the observed holiday shall not receive holiday pay pursuant to the provisions of this Article.

Section 6 Holidays Affecting Dispatcher Time Off

A Public Safety Dispatcher whose normal schedule would require the employee to work upon New Year’s Day, Independence Day, Thanksgiving Day, December 24th or Christmas Day shall not be allowed to take time off from their work schedule, unless another employee volunteers to work the holiday in place of the employee.

ARTICLE 15

VACATIONS

Section 1 Eligibility and Allowances

Employees shall be granted an annual paid vacation for the period specified below based upon the following service requirements:

One (1) through Five (5) Years 80 Hours Per Year
Six (6) through Ten (10) Years120 Hours Per Year
Eleven (11) Years and thereafter160 Hours Per Year

A schedule showing how much vacation each employee has accumulated during each pay period shall be maintained and such employees shall be entitled to take such accumulated vacation subject to the provisions herein. Employees may take their accrued vacation hours that have been earned since the beginning of their employment according to the above schedule and may carry over the amount of vacation earned in the preceding year.

Section 2 Vacation Pay

The rate of vacation pay shall be the employee's regular straight time rate of pay in effect for the employee's regular job on the date immediately preceding the employee's vacation period.

Section 3 Choice of Vacation Period

An effort will be made by the Department Head to grant each employee a vacation period at the time it is desired with preference being granted to employees on the basis of length of service regardless of rank.

Section 4 Posting Vacation Times

The employer will annually post on or before November 1, a form on which employees shall designate vacation time preferred. Said form will remain posted until December 1, annually. The employer will notify the employee of the approval or denial of his/her proposed vacation period by December 15, annually.

Section 5 Work during Vacation Period

Any employee who is requested to and does work during his or her vacation period shall be paid for regular hours at the rate of two (2) times his or her regular rate and for overtime hours at a rate of three (3) times his or her regular rate of pay. If the recall is because of a departmentally declared emergency, as described in Article 5, Section 3, regular rates of pay shall apply. In addition, the employee's vacation (with pay) shall be rescheduled to a future period.

Section 6 Vacation Rights in Case of Layoff or Separation

Any employee who is laid off, discharged, retired or separated from the service of the employer for any reason, prior to taking his or her vacation, shall be compensated for the unused vacation he or she has accumulated at the time of separation. In case of death, his or her estate shall be paid all of the accumulated vacation time.

ARTICLE 16

SICK LEAVE

Section 1 Allowance

Accumulated sick leave shall be used by employees only for sickness, disability, injury, and personal medical appointments. The employee shall verbally notify his immediate supervisor no later than one (1) hour before his/her regularly scheduled starting time unless his/her illness or injury prevents him/her from so doing, provided that he/she will comply with this provision at the earliest possible time. An employee shall call each day he/she is absent.

Employees shall be eligible to use sick leave after thirty (30) days service with the employer.

All employees, except employees assigned to work regularly scheduled twelve (12) hour work shifts each week, shall earn sick leave at the rate of eight (8) hours per calendar month. All employees assigned to work regularly scheduled twelve (12) hour work shifts each week, shall earn sick leave at the rate of twelve (12) hours per calendar month.

Section 2 Accumulation

Employees shall start to earn sick leave from their date of hire, and they shall accumulate sick leave as long as they are in the service of the employer, up to a maximum of one thousand forty (1,040) hours.

Section 3 Unused Sick Leave

An employee shall be compensated for his/her accumulated unused sick leave hours as set forth below, if the employee has provided the City Administrator with two (2) weeks written notice of resignation from employment. Any employee leaving employment voluntarily without providing two (2) weeks written notice shall forfeit his/her accumulated unused sick leave hours. Any employee leaving employment involuntarily shall not be required to provide two (2) weeks written notice in order to receive payment for his/her accumulated unused sick leave hours.

Employees employed by the City of Beatrice shall be compensated for 50% of any accumulated unused sick leave days, up to a maximum of three hundred sixty (360) hours, when they are separated from employment for any reason, provided the employee has been employed by the City for the past five (5)

years. Employees shall be compensated for 50% of any accumulated unused sick leave hours, up to a maximum of five hundred twenty hours (520) when they are permanently separated from employment as the result of retirement upon age fifty-five (55) or older, or death, provided the employee has been employed by the City for the past ten (10) years. In the event of death, payment is to be made to the named beneficiary (s) of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the payday immediately preceding the employee's separation.

Any employee with more than one thousand forty (1,040) hours of accumulated unused sick leave as of the 1st day of January of each year shall receive payment in amount equal to 50% of the value of employees accumulated unused sick leave in excess of one thousand forty (1,040) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of accumulated unused sick leave hours in excess of one thousand forty (1,040) hours times 50%.

Section 4 Family Sickness or Disability

An employee may use up to one hundred sixty (160) hours per calendar year of accumulated sick leave for sickness or disability of an employee's family member and for family member medical appointments. An employee may use three (3) additional days of accumulated sick leave for family member sickness, family member disability, or family member medical appointments at the discretion of the Department Head. Family member shall mean the employee's spouse, sons, daughters, mother, father, step-parents, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house.

Section 5 Medical Certificate

An employee may be required by the department head to submit a medical certificate for any absence for which sick leave is taken. Failure to fulfill this requirement may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay, or during a period of sick leave of one month or more.

ARTICLE 17

LEAVES OF ABSENCE WITH PAY

Section 1 Death In The Family

In the event of a death in the family, an employee may be granted time off with pay at the discretion of the Chief of Police in accordance with the following schedule or maximum allowable times:

Employee's spouse or child –	5 calendar days
Employee's mother or father –	3 calendar days
Employee's mother-in-law or father-in-law –	3 calendar days
Employee's step-mother or step-father –	3 calendar days
Employee's brother or sister –	2 calendar days
Employee's brother-in-law or sister-in-law –	2 calendar days
Employee's grandparent or grandchild–	2 calendar days
Employee's daughter-in-law or son-in-law –	3 calendar days
Employee's step-daughter or step-son –	3 calendar days
Employee's aunt, uncle, niece, or nephew –	1 calendar day

In the case of other relatives or friends, an employee may be granted time for bereavement up to a maximum of four (4) work hours. If the above schedule of times is not sufficient, then vacation time, compensatory time or leave without pay must be taken at the discretion of the department head. Eight (8) work hours maximum may be granted in cases in which an employee is a pallbearer, if the employee is not related as indicated above.

Section 2 Court and Jury Leave

Employees called for jury duty shall be granted leave with pay for the duration of such service. An employee excused from court service shall be expected to report to his or her department for work. An employee shall not be compensated under this section in a manner that will result in his or her receiving more pay than he or she normally would receive. Employees subpoenaed on matters relating to work shall be compensated on the basis of this being a work assignment.

If a police officer is subpoenaed in a civil case as a result of investigative work performed as a police officer for the City and testifies in court or at a deposition, he or she shall be compensated for two (2) hours work at his/her regular rate for each civil case. The employee agrees to submit any fees received for any such activity to the City in the amount paid by the City pursuant to this paragraph as reimbursement for such compensation.

Section 3 Military Leave

All employees who shall be members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve shall be entitled to leaves of absence in accordance with State Law. Health Insurance shall not be paid by the City for any employee while on active duty for any branch of the military, except as required by state or federal law. An Employee on military leave shall not accrue vacation time, sick time, or compensatory time and shall not be compensated.

Section 4 Administrative Leave

Employees may be granted administrative leave to attend official functions of professional organizations at their department head's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or workweek. Employees who are granted time off at the direction of their department head due to inclement weather or other emergencies shall be included in this section.

Section 5 Other Administrative Leave

Employees may also, with their department head's discretionary approval, be granted leave of absence to attend conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve or upgrade the individual's skill or professional ability.

Section 6 Injury Leave

The Employer may require medical documentation substantiating the job-related illness or injury, and the employee's inability to perform the essential functions of his or her job. Upon receipt of a release from the employee's attending physician, the Department Head may require the employee to report to work for light duty according to the City's Return to Work Policy.

If an employee is receiving workers compensation and he/she wishes to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

ARTICLE 18

LEAVES OF ABSENCE WITHOUT PAY

Section 1 Eligibility Requirements

Employees shall be eligible for leaves of absence after completion of their probationary period with the City. An employee on a leave of absence shall not accrue any additional sick time, vacation time, or compensatory time, shall not be paid, and the employee shall not receive any other benefits set forth in the bargaining unit agreement. The City shall not pay for the employee's health insurance. The City shall have complete discretion in determining whether or not to grant any leaves of absence under this article. This section shall not apply to employees on a military leave of absence. Employees desiring a military leave of absence shall refer to Article 17, Section 3.

Section 2 Application For Leave

All requests for leaves of absence shall be submitted in writing by the employee to his or her department head. The request shall state the reason the leave of absence is being requested, and the approximate length of time off the employee desires.

Authorization for leaves of absence shall be furnished in writing to the employee by his or her department head. Answers to requests for leaves of absence shall be answered promptly. If possible, requests for immediate leave shall be answered before the end of the shift on which the request is submitted.

A request for a short leave of absence – leave not exceeding one (1) month – shall be answered within five (5) business days. A request for a leave of absence exceeding one (1) month shall be answered within ten (10) business days.

Section 3 Return From Leave

If possible within the City's discretion, employees shall be returned to the position they held at the time the leave of absence was requested.

Section 4 Education Leave

After one (1) year of service, a leave of absence not to exceed one (1) year, unless extended in writing, may be granted upon request to an employee for educational purposes at a recognized school of learning. If an employee

returns from such a leave, having acquired qualification for a higher rated position, the employee may be returned to the higher rated position under the conditions of this article, and also subject to the following conditions: A higher rated position became or remained open during the employee's leave and is still open at the time of the employee's return, the employee requests assignment to the higher rated position within ten (10) business days after returning from educational leave, and, civil service laws, rules and regulations shall be controlling.

Section 5 Civic Duty

Notwithstanding the other provisions of this article, employees shall be granted leave without pay when required to appear before a court or other public body on any matter not related to their work in which they are not personally involved (as a plaintiff or defendant). Any employee required to appear before a court or other public body on any matter not related to their work in which they are personally involved (such as plaintiff or defendant) shall take vacation time for the hours of work.

Section 6 Fraternal Order of Police Activity

Employees who are authorized delegates of the Fraternal Order of Police Lodge #84 to the State Fraternal Order of Police, Fraternal Order of Police Seminar or Training may, upon request, be entitled to use earned annual leave, or unpaid leave for F.O.P. Seminar or Training. The employer may limit the number of employees utilizing unpaid leave during any period for this purpose to two (2) employees.

Section 7 Absence Without Leave

Any unauthorized absence of an employee from duty shall be deemed to be an absence without pay and may be made grounds for disciplinary action by the department head. In the absence of such disciplinary action, any employee who absents himself or herself for three (3) or more days without authorized leave shall be deemed to have resigned. Such absence may be covered, however, by the department head by a subsequent grant of leave with or without pay where extenuating circumstances are found to have existed.

Section 8 Family Medical Leave Act Policy

Employees shall be covered by any Family Medical Leave Act Policy adopted by resolution of the Beatrice City Council.

Section 9 Leave of Absence

An employee requesting a leave of absence, other than a military leave of absence or an education leave of absence, must first exhaust all of their accrued vacation time, sick time, compensatory time, and family medical leave act time. An employee requesting a leave of absence, other than military leave of absence or an education leave of absence, is not required to exhaust all their education leave. A leave of absence may be granted up to a maximum of ninety (90) days at the discretion of the Department Head. During such leave of absence, the employee shall not receive compensation from the City, shall not accrue any sick time, vacation time, or compensatory time, the City shall not pay for employee's health insurance, and the employee shall not receive any other benefits set forth in this agreement. A leave of absence may be granted for reasons that qualify under the Family Medical Leave Act.

ARTICLE 19

GROUP INSURANCE AND RETIREMENT PLAN

Section 1 Group Health Insurance Plan

The City shall provide group health insurance for all full-time employees and their dependents. Full-time employees shall have the option of choosing a group health insurance plan for the employee and their dependents from the three (3) group health insurance plans offered by the City at the benefit and coverage levels which include the deductibles, co-payment amounts, co-insurance percentages, covered services, out-of-pocket limits, maximum benefit amounts, prescription benefits, employee premium contribution amounts, and other benefits as provided in Appendix "C", which is attached hereto and made a part of this Agreement.

The City shall not change any of the benefits or coverages set forth in Appendix "C" without negotiating said changes with the F.O.P. in advance. The F.O.P. shall not unreasonably withhold their consent to any changes of the group health insurance plan.

Section 2 Life Insurance

Term life insurance shall be provided for full time employees in the benefit amount of one times annual salary. Such life insurance shall not be provided for dependents.

Section 3 Dental Coverage

The City agrees to make available to the employee and his or her family, Group Dental Coverage, at the expense of the employee, at the group rate through payroll deductions. The administrative costs of the plan will be paid by the City.

Section 4 Police Retirement Plan

The present pension plan for police officers, as required by state law, shall continue in effect according to the provisions of state law and amendments thereto for all police department employees covered by such plan.

Section 5 Non-Police Retirement Plan

The present city retirement plan for all employees of the bargaining unit, other than employees covered by the police pension plan, shall remain in effect. Employee contributions shall be six percent (6%) of each employee's gross pay for a regular work week for forty (40) hours. The City shall match each employee's contribution.

All interest accumulation on the employee's contribution shall be credited to the employee's account.

Section 6 Long Term Disability

All full-time employees shall have long term disability insurance. The City shall increase employee's wages by the amount equal to the premiums for the long-term disability insurance. Employees shall have said insurance premiums deducted from their wages.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long-term disability payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

ARTICLE 20

SALARIES

Section 1 Wages for employees covered by this agreement for the period beginning October 1, 2021 and ending September 30, 2024 shall be in accordance with the schedules set forth in Appendix "A", payable every two weeks, based upon a work year of 2080 hours. Wages for employees covered by this agreement

for the period beginning October 1, 2021 and ending September 30, 2024 shall reflect a four percent (4.0%) pay increase of the previous contract year wages at each step and across all pay lines in each F.O.P. job classification/position. Individual placement within such salary schedule shall be in accordance with Article 21 of this Agreement. Effective October 1, 2022 and October 1, 2023, each F.O.P. job classification/position shall receive a four percent (4.0%) pay increase at each step and across all pay lines in each F.O.P. job classification/position.

Section 2 Any employee designated as a night shift employee shall receive an additional night shift differential pay of thirty-seven dollars and fifty cents (\$37.50) per pay period. The Chief of Police shall designate an employee as a night shift employee.

Any employee who is unavailable to work full duty for five (5) working days or more in a pay period shall not receive the additional night shift differential pay.

Any employee working as the relief dispatcher or working as a swing shift patrolman where his/her schedule alternates between day shift and night shift hours shall be paid the night shift differential if a majority of the hours worked by the employee in the pay period are between the hours of 6:00 p.m. and 6:00 a.m.. If a majority of the hours worked by the employee in the pay period are between the hours of 6:00 a.m. and 6:00 p.m. then he/she shall not receive the additional night shift differential for that pay period.

Section 3 Any Police Officer or Public Safety Dispatcher who is assigned by the Chief of Police to train a newly-hired Police Officer or Public Safety Dispatcher shall receive fifty (.50) cents per hour in addition to their regular rate of pay during the period of time that such Police Officer or Public Safety Dispatcher is performing such duties.

ARTICLE 21

PAY PLAN STRUCTURE

Section 1 All employees hired after June 1, 2000 will be considered for horizontal step increases in accordance with the pay schedules set forth in Appendix "A" upon the following basis:

Step A – Entry level

Step B – Upon six (6) months of service in Step A of the job classification and satisfactory completion of his or her probation.

Step C – After one (1) year of service in Step B of the job classification

Step D – After one (1) year of service in Step C of the job classification

Step E – After one (1) year of service in Step D of the job classification

Step F – After one (1) year of service in Step E of the job classification

Step G – After one (1) year of service in Step F of the job classification

Step H – After one (1) year of service in Step G of the job classification

The City reserves the right to place a new hired employee who is certified as a Law Enforcement Officer in the State of Nebraska and has prior experience at a rate of pay higher than Step 1.

Section 2 In no case shall any employee receive more than one horizontal step increase within any calendar year; and in no case shall any employee be advanced beyond the maximum rate of pay grade for his or her classification.

Section 3 Employees, prior to advancing in step, shall be evaluated in writing by the Employer. An evaluation shall be conducted at least yearly. The Evaluation will be conducted initially by the Employee's supervisor, being either a Police Sergeant, Police Lieutenant, Police Captain, or 911 Dispatch Supervisor. The next highest officer shall then review and discuss the evaluation with the supervisor. The next highest officer will then affirm or modify the evaluation. The supervisor and the next highest officer shall then both meet with the Employee to discuss the written evaluation. Employee shall not be evaluated solely by members of the F.O.P., but shall be evaluated solely by members of the Beatrice Police Department.

Section 4 Employees shall be eligible for a horizontal step increase as described in this section only if:

- a. The employee receives a total score that equals thirty (30) or less (for the ten (10) evaluation categories) upon the last written evaluation preceding eligibility for the horizontal step increase; and
- b. The employee has not been subject to a documented disciplinary action, other than an oral or written warning, within the twelve-month period preceding eligibility for the horizontal step increase.

Section 5 For all employees hired after June 1, 2000, except as to the horizontal increase from Step A to Step B, all horizontal step adjustments for employees eligible for such increases in accordance with Section 4 shall be effective on either

October 1st or April 1st, whichever occurs sooner, following eligibility for the step adjustment.

ARTICLE 22

MINIMUM TIME PAY ALLOWANCE

Section 1 Call Time

Any employee called to work outside of his or her regularly scheduled shift time shall be paid for a minimum of two (2) hours of work at 1 ½ (time and one-half) his or her regular hourly rate of pay.

Section 2 Stand-By Time

Police Sergeants and Police Officers who are required to be on “stand-by” shall be compensated for two (2) hours of pay at regular pay for each twelve (12) hours of “stand-by” assignment. As used in this section, the term “stand-by” shall mean that the Police Sergeant or Police Officer has been required by the Department Head to carry with him or her a cellular phone or a pager in order to be reached by on-duty police department personnel.

ARTICLE 23

OVERTIME AND COMPENSATORY TIME

Section 1 Definition of Compensatory Time

Compensatory time as used in this article shall mean hours during which an employee is not working, which are counted as hours actually worked during the applicable work period and for which the employee is compensated at the employee’s base hourly rate.

Section 2 When Paid

For all employees holding the positions of Public Safety Dispatcher, and Community Service Officer, overtime at the rate of one and one-half (1 ½) times the employee’s base hourly rate of pay as set forth in this Agreement shall be paid for all hours actually worked in excess of forty (40) hours in the seven (7) day work period established for the above-named employees and indicated on the time sheet of the employee.

For all employees holding the positions of Police Sergeant, Police Investigator, and Police Officer, overtime at the rate of one and one-half (1 ½) times the

above-named employee's base hourly rate of pay as set forth in this Agreement shall be paid for all hours actually worked in excess of eighty (80) hours in the fourteen (14) day work period established for the employee and indicated on the time sheet of the employee.

Section 3 Compensatory Time

For all employees holding the position of Public Safety Dispatcher and Community Service Officer, compensatory time, rather than overtime compensation, may be given for all hours actually worked in excess of forty (40) hours in the seven (7) day work period established for the above-named employee and indicated on the time sheet of the employee.

For all employees holding the position of Police Sergeant, Police Investigator, and Police Officer, compensatory time, rather than overtime compensation, may be given for all hours actually worked in excess of eighty (80) hours in the fourteen (14) day work period established for the above-named employee and indicated on the time sheet of the employee.

The decision as to whether compensatory time is given in lieu of overtime payment in cash shall be at the discretion of the employee. Such compensatory time shall be at the rate of one and one-half (1 ½) hours of compensatory time for each hour of overtime work. No employee shall accrue more than one hundred sixty (160) hours of compensatory time for hours worked; however, no employee shall be compensated for more than one hundred twenty (120) hours of compensatory time upon their separation from employment for any reason.

Section 4 Use of Compensatory Time

Any employee who has accrued compensatory time as set forth in Section 2 of this article and requests use of such compensatory time shall be permitted to use such time off within a reasonable period after making the request so long as such use does not unduly disrupt the operations of the department.

Section 5 Payment for Compensatory Time upon Termination of Employment

An employee who has accrued compensatory time off pursuant to Section 2 shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation, not less than;

- (a) the average base hourly rate of pay received by such employee during the last three (3) years of the employee's employment, or
- (b) the final base hourly rate received by such employee,

Whichever is the higher amount.

ARTICLE 24

SENIORITY

Section 1 Probation Period

New employees shall be added to the seniority list following completion of their City required probationary period.

For sworn employees, their probationary period shall terminate the later of their six (6) month anniversary of their graduation from the Nebraska Law Enforcement Training Center or their six (6) month anniversary of their date of hire with the City. For non-sworn employees, their probationary period shall terminate upon the six (6) month anniversary of their date of hire.

Section 2 Seniority List

The employer shall keep a current seniority list showing the continuous service of each employee. A copy of the seniority list shall be furnished to the F.O.P. upon request.

Section 3 Breaks in Continuous Service

An employee's continuous service record shall be broken by voluntary resignation, discharge for just cause, and retirement. However, if an employee returns to work in any capacity within one (1) year, the break in continuous service shall be removed from his or her record, but shall not count as continuous service.

There shall be no deduction from continuous service for any time lost which does not constitute a break in continuous service.

Section 4 Classification Seniority

Classification seniority is defined as an employee's continuous length of service in his or her job classification.

Section 5 Probationary Employee Evaluations

Upon request a probationary employee will be provided a written copy of his or her evaluation, no less than thirty (30) business days after completing the probationary period.

Section 6 Civil Service Laws

Where applicable, State and local Civil Service Laws, Rules and Regulations shall take precedence over this Article.

Section 7 Changing Work Shifts

At the end of each calendar year all employees holding the position of Police Sergeant, Police Officer, or Public Safety Dispatcher, will be given the opportunity to request a shift change. All requests for a shift change will be submitted to the Department Head in writing. Shift assignments shall then be made at the discretion of the Department Head. Shift assignments shall, at no time, be used as a disciplinary action by the Department Head.

If at any time during the calendar year a new position is created, an employee moves to another shift, or an employee leaves employment as a sworn officer with the Beatrice Police Department, that shift shall be determined to be an open shift and employees in that job classification shall be allowed to bid on the opening. At the time the shift opening occurs on a shift during the calendar year, the Department Head shall post notification of the shift opening, for the information of all employees in the job classification of the open shift. Any qualified employee who is interested in the shift opening shall submit a memo stating that interest in writing to the Department Head, within the time period allotted by the Department Head. The open shift shall then be filled by the Department Head using seniority as a factor in his selection. If, for some reason the Department Head feels the employee with the most seniority would not be a good fit for the open shift, he must notify the senior employee in writing and allow them the opportunity to discuss the matter with the Department Head.

An employee on probation who has completed Field Training may be moved to and from any shift by the Chief of Police based on a performance issue.

Any further shift openings that would result from filling an open shift may be addressed and resolved by the Department Head without consideration for seniority of the assigned employee. The two (2) weeks notice required under Article 5; Section 3; Hours of Work - shall not apply for filling shift openings

In the event the department institutes an eight (8) hour shift or ten (10) hour shift then the days of rest shall be considered as part of the shift bidding procedure.

ARTICLE 25

PROMOTIONS

Section 1 The term promotion, as used in this section, means the advancement of an employee to a higher paying position. Whenever a job opening occurs, other than a temporary opening, in any existing job classification, or as a result of the development or establishment of new job classifications, a notice of such opening describing the position shall be posted on all bulletin boards for ten (10) working days. During this period, employees who wish to apply for the open position, including employees on lay off, may do so. The application shall be in writing on a form provided by the City, and it shall be submitted to the department head. The department head shall determine when a position is vacant and when it will be filled.

Section 2 All promotions shall be within the City's discretion and shall not be subject to the grievance procedure.

Section 3 A promoted employee will be placed on the City's required probationary period to determine,

- (a) his or her ability to perform the job; and
- (b) his or her desire to remain on the job.

During the required probationary period, the employee shall have the opportunity to revert to his or her previous classification. If the employee is unsatisfactory in the new position, notice and reasons will be submitted to him or her in writing by the City with a copy to the F.O.P.

Section 4 When an employee in one classification is promoted to a position in another classification, such employee shall receive a minimum pay increase that is equivalent to at least a one-step adjustment in his or her present classification; provided that in no case shall any employee be advanced beyond the maximum rate of pay grade for his or her new classification.

Section 5 Where applicable, State and local Civil Service Laws, Rules and Regulations shall take precedence over this article.

ARTICLE 26

TRANSFERS

Section 1 A transfer is defined as a change by an employee from one position to another position in the same work classification in another division, or to another work classification in the same compensation range.

Section 2 The employer will not transfer an employee for discriminatory purposes.

Section 3 Employees desiring to transfer shall submit an application in writing to the employer. The application shall state the reason for the requested transfer.

Section 4 Any employee temporarily transferred to higher rated job shall receive that higher rate of pay for all hours worked on the higher rated job. Employees temporarily transferred to a lower rated job shall maintain their regular rate of pay.

Police officers assigned to perform the duties of a Police Sergeant for at least fifty (50) hours during any fourteen (14) day work period established for the employee and indicated on the employee's time sheet, because no Police Sergeant or Police Lieutenant is on duty during those hours, shall be paid the additional amount of sixty cents (\$.60) per hour worked during such fourteen (14) day work period.

Section 5 Where applicable, State and local Civil Service Law, Rules and Regulations shall take precedence.

ARTICLE 27

LAYOFF AND RECALL

Section 1 Whenever the City determines that a reduction in work force is necessary for employees in job classifications that are not subject to the Civil Service Act, Nebraska Revised Statute Sections 19-1825 to 19-1848, the order of layoffs shall be determined by taking the following factors into consideration,

- (a) Multiple job skills recently or currently being performed by the employee;
- (b) Knowledge, skills and abilities of the employee;
- (c) Performance appraisals of the employee including any recent or pending disciplinary actions involving the employee;

- (d) The employment policies and staffing needs of the City together with contracts, ordinances and statutes related thereto;
- (e) Required federal, state or local certifications or licenses;
- (f) Nature of work to be curtailed; and
- (g) Length of Service.

Section 2 No regular full time employee shall be laid off from any classification where there are full-time provisional, full-time probationary, or full-time temporary employees working in such classifications.

Section 3 In the event an employee becomes subject to layoff in his or her classification, and the City determines, in its discretion, that such an employee is qualified to perform duties in a lower classification, he or she shall be permitted to take a position in such lower classification at that classification's rate of pay, and any employees in such lower classifications subjected to layoffs by virtue of the provisions of this section, shall be laid off in accordance with the provisions of Section 1 hereof.

Section 4 In the event an employee becomes subject to layoff in his or her particular classification and a vacancy exists in a lower or equivalent classification for which the City determines in its discretion that he or she is qualified, he or she shall be appointed to such position on the basis of the factors set forth in Section 1 hereof.

Section 5 The names of regular full-time employees who have been laid off shall be placed on a layoff list, and shall be eligible for re-employment for a period of two (2) years, and the employer shall rehire in the reverse order of layoff; provided, such employees are otherwise qualified to perform the duties of the position. A laid-off employee subject to recall who is employed elsewhere shall not be required by the employer to report for work until after the expiration of two (2) weeks from the date of notice. If such employee is not employed elsewhere, he or she shall be required to report to work at such reasonable times as required by the employer giving consideration to all of the attendant circumstances. The employer shall be required to provide such employees subject to recall with written registered mail notice mailed to their last known address as shown on the employer's records.

Section 6 An employee subject to layoff shall be provided with notice thereof in writing at least fifteen (15) working days prior to the effective date of the layoff with a copy transmitted to the F.O.P.

- Section 7** Upon a change in classification caused by a layoff, the employee shall be paid at such classification rate which most nearly approximates his or her rate of pay immediately prior thereto.
- Section 8** No new full-time employees shall be hired into a classification where employees are laid off until all employees on layoff status desiring to return to work have been recalled.
- Section 9** Employees displaced by the elimination of jobs through consolidation (combining of two or more jobs), the installment of new equipment or machinery, the curtailment or replacement of existing facilities or for any other reason, shall be permitted at City's discretion to transfer to any other open job in the service of the City in the reverse order of layoff, for which the City determines that they are qualified. Any employee transferred as the result of the application of this provision shall be given any training needed to perform satisfactorily the job for which he or she is transferred.
- Section 10** The term demotion, as used in this provision, means the reassignment, not requested by the employee, of an employee from a position in one job classification to a lower paying position in the same job classification or in a different classification. In any case involving demotion, the employee involved shall have the right to elect which alternative he or she takes, the demotion or the layoff.
- Section 11** The provisions of Sections 1 to 11 of Article 27 shall not apply to employees subject to the Civil Service Act, Nebraska Revised Statutes §19-1825 to §19-1848 and such employees shall be subject to layoffs in accordance with the policy adopted by resolution by the City Council of Employer.

ARTICLE 28

UNIFORMS AND PROTECTIVE CLOTHING

- Section 1** If any employee is required to wear a uniform, protective clothing or any type of protective device as a condition of employment, such uniforms, protective clothing or protective device shall be furnished to the employee by the employer.
- Section 2** Every sworn officer of the Police Department shall be paid twenty-five dollars (\$25.00) per month by the City for maintenance of required uniforms. The total annual amount shall be paid to each such employee during the last month of the fiscal year, or after an employee's termination. If an employee's employment with the city is terminated for any reason during

the fiscal year the employee shall be paid a prorated share of their uniform allowance.

ARTICLE 29

EDUCATIONAL INCENTIVE

Section 1 The employer agrees to pay an employee an educational incentive payment equal to eighty percent (80%) of tuition, books, and fees subject to the following conditions: Only full-time employees are eligible and must have completed one (1) continuous calendar year of employment. The employee must notify the Chief of Police in writing by August 1 of the employee's intent to seek educational incentive payments during the next fiscal year beginning October 1 of the year the notification is made. The written notification shall specify the number of school semesters, quarters, or terms during the next fiscal year that the course(s) are intended to be taken in and the estimated course credit that the employee intends to seek education incentive payments for during the next fiscal year. The employee shall provide a written course description for the course(s) enrolled in to the Chief of Police prior to the beginning date of the course(s). The course(s) selected by the employee must be technical or professional and work-related, as determined by the Chief of Police. Within seven (7) calendar days of being provided with the written course description, the Chief of Police shall provide a written determination to the employee approving or denying the course(s) based on the course's technical or professional and work-related nature. The employee must enroll with a recognized and accredited college, university, technical school, correspondence school or the equivalent thereof. The course must be satisfactorily completed and receipts for tuition, books, and fees must be submitted as a basis on which to compute the educational incentive payment.

Section 2 In the event an employee chooses to terminate his or her employment, the following reimbursement schedule shall apply: If within one (1) year from the date of reimbursement, the employee shall reimburse the City one hundred percent (100%) of such educational incentive payment; If after one (1) year but before two (2) years from the date of the educational incentive payment, the employee shall reimburse the City fifty percent (50%) of such educational incentive payment; If after two (2) years but before three (3) years from the date of the educational incentive payment, the employee shall reimburse the City twenty-five (25%) of such educational incentive payment; If after three (3) years from the date of the educational incentive payment, the employee shall not be required to reimburse the City for any of the educational incentive payment.

ARTICLE 30

PERSONNEL RECORD

- Section 1** An employee shall be entitled to review his or her complete personnel record for a reasonable time during regular business hours and when the City Administrator or his designated representative is available to obtain the file for the employee. Such approval shall not be unreasonably withheld or delayed.
- Section 2** The signing of any document or materials to be placed in the employee's personnel record will not indicate an agreement by the employee as to the contents of the document or material, but does acknowledge that the employee has observed the same.
- Section 3** The employee may submit a rebuttal in writing to be placed in his/her personnel record in response to any personnel action taken by the employer or in response to other documentation placed in his/her personnel record. Such rebuttal shall constitute and remain a part of the personnel record.
- Section 4** Employees shall be given a copy of any evaluation, warning, reprimand, or other disciplinary action in writing or any other documentation within three (3) working days after such document is made a part of his or her personnel record. Any written warning, reprimand or other disciplinary action shall be subject to the grievance procedure.
- Section 5** Any disciplinary action taken against an employee shall remain in the employee's file pursuant to state law; however, any disciplinary action taken against an employee shall not be used against him or her for any reason after one (1) year from the date of such action.
- Section 6** Where applicable State and City Civil Service Laws, Rules and Regulations, shall take precedence over the provisions of this Article.
- Section 7** No record of complaints, allegations, personnel action taken, or any disciplinary action pertaining to an employee shall be kept by the employer in any location other than the personnel file maintained by the employer.

ARTICLE 31

WORK RULES

- Section 1** The City shall make reasonable efforts to acquaint all employees with pertinent work rules, which shall be uniformly applied. The Labor

Management and Safety Committee, created by Article 3, may discuss matters relating to work rules, but the establishment and enforcement of work rules shall be exclusively the prerogative of the City and shall not be subject to the grievance procedure.

Section 2 Any work rules initiated, established, and promulgated by the City or any other department head shall be posted on bulletin boards ten (10) working days prior to their effective date, except on emergency situations.

ARTICLE 32

ENTIRE AGREEMENT

Section 1 The parties acknowledge that during the negotiations which resulted in this agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this agreement.

ARTICLE 33

DISCIPLINE

Section 1 Disciplinary action or measures shall include the following:

- Oral Reprimand
- Written Reprimand (notice and reason to be given)
- Suspension (notice and reason to be given in writing)
- Discharge (notice and reason to be given in writing)
- Demotion (notice and reason to be given in writing)

Section 2 Disciplinary action may be imposed on an employee only for just cause. Any disciplinary action imposed on an employee may be processed as a grievance if the employee is not subject to Civil Service Laws, Rules and Regulations.

Section 3 If the employer has reason to reprimand an employee, it shall be done, if possible, in a manner that will not embarrass the employee before other employees or the public.

Section 4 An employee subject to demotion, suspension, or discharge shall be notified immediately, with a copy of such notification to the Secretary of Fraternal Order of Police Lodge #84. A hearing will be scheduled prior to the effective

date of demotion, suspension, or discharge if the employee requests such a hearing.

Section 5 In departments that are covered by State and City Civil Service Laws, Rules and Regulations such procedure shall be exclusive and this article shall not apply.

Section 6 For actions which may result in suspension, demotion, removal or discharge, any interrogation of an employee shall be mechanically recorded in its entirety.

ARTICLE 34

SAVINGS CLAUSE

Section 1 Should any Article, Section, or portion thereof, of this agreement be held unlawful and unenforceable by proper legislative or judicial authority or any court or competent jurisdiction, upon the issuance of such a decision, the parties shall agree immediately to negotiate a substitute for the invalidated Article, Section, or portion thereof.

Section 2 If any provision of this agreement is declared by proper legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

ARTICLE 35

TERMINATION OF AGREEMENT

This agreement shall be effective as of the 1st day of October, 2021 and shall remain in full force and effect until the 30th day of September, 2024. Thereafter, it shall be automatically renewed for subsequent annual periods unless either party shall notify the other in writing at least sixty (60) days prior to the anniversary date, but not more than one hundred twenty (120) days prior to the anniversary date that it desires to modify this agreement. In the event such notice is given, negotiations shall begin not later than thirty (30) days prior to the anniversary date, and this agreement shall remain in full force and effect during the period of negotiations and until notice of termination of this agreement is provided to the other party in the manner set forth in the following paragraph.

In the event that either party desires to terminate this agreement, written notice must be given to the other party not less than sixty (60) days prior to the desired termination date which shall not be before sixty (60) days from the first anniversary date of this agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands this 12th day of November, 2021.

FRATERNAL ORDER OF POLICE
LODGE 84

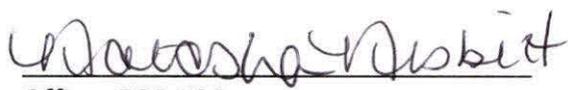


President, FOP #84

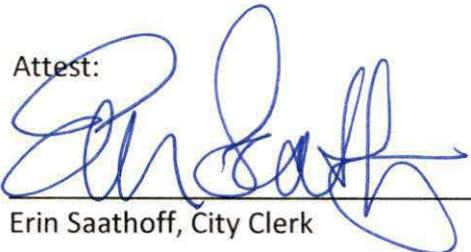
CITY OF BEATRICE, NEBRASKA
A Municipal Corporation



Stan Wirth, Mayor



Officer FOP #84

Attest:


Erin Saathoff, City Clerk

APPENDIX "A"
SALARY SCHEDULE EFFECTIVE 10-1-2021 THRU 9-30-2022 (HOURLY RATES)

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Public Safety Dispatcher	5	\$ 16.10	\$ 16.84	\$ 17.59	\$ 18.38	\$ 19.21	\$ 20.06	\$ 20.98	\$ 21.92
Police Officer	16	\$ 21.12	\$ 22.08	\$ 23.08	\$ 24.11	\$ 25.20	\$ 26.33	\$ 27.51	\$ 28.74
Police Sergeant	21	\$ 24.85	\$ 25.96	\$ 27.12	\$ 28.33	\$ 29.63	\$ 30.95	\$ 32.35	\$ 33.80
Public Safety Dispatcher	4% annual COL/ 4.5% Across								
Police Officer	4% annual COL/ 4.5% Across								
Police Sergeant	4% annual COL/ 4.5% Across								

APPENDIX "A"
SALARY SCHEDULE EFFECTIVE 10-1-2022 THRU 9-30-2023 (HOURLY RATES)

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Public Safety Dispatcher	5	\$ 16.74	\$ 17.51	\$ 18.29	\$ 19.11	\$ 19.98	\$ 20.86	\$ 21.82	\$ 22.80
Police Officer	16	\$ 21.97	\$ 22.96	\$ 24.00	\$ 25.07	\$ 26.21	\$ 27.39	\$ 28.61	\$ 29.88
Police Sergeant	21	\$ 25.84	\$ 27.00	\$ 28.21	\$ 29.46	\$ 30.81	\$ 32.19	\$ 33.65	\$ 35.15
Public Safety Dispatcher	4% annual COL/ 4.5% Across								
Police Officer	4% annual COL/ 4.5% Across								
Police Sergeant	4% annual COL/ 4.5% Across								

APPENDIX "A"
SALARY SCHEDULE EFFECTIVE 10-1-2023 THRU 9-30-2024 (HOURLY RATES)

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Public Safety Dispatcher	5	\$ 17.41	\$ 18.21	\$ 19.02	\$ 19.88	\$ 20.78	\$ 21.70	\$ 22.69	\$ 23.71
Police Officer	16	\$ 22.85	\$ 23.88	\$ 24.96	\$ 26.07	\$ 27.26	\$ 28.48	\$ 29.75	\$ 31.08
Police Sergeant	21	\$ 26.87	\$ 28.08	\$ 29.34	\$ 30.64	\$ 32.05	\$ 33.48	\$ 34.99	\$ 36.56
Public Safety Dispatcher	4% annual COL/ 4.5% Across								
Police Officer	4% annual COL/ 4.5% Across								
Police Sergeant	4% annual COL/ 4.5% Across								

APPENDIX B

Name	Last Step Raise	Next Step Raise	CurrentStep	10/1/2021	4/1/2022	10/1/2022	4/1/2023	10/1/2023	4/1/2024
Amanda Bigley	n/a	4/1/2022	5A	5A	5B	5B	5C	5C	5D
Callie Lamkin	n/a	4/1/2022	5A	5A	5B	5B	5C	5C	5D
George Benson	11/18/2020	4/1/2022	5B	5B	5C	5C	5D	5D	5E
Debra Burroughs	11/18/2020	4/1/2022	5B	5B	5C	5C	5D	5D	5E
Zachary Shumate	n/a	4/1/2023	5C	5C	5C	5C	5D	5D	5E
Misty Higgins	4/1/2021	4/1/2022	5E	5E	5F	5F	5G	5G	5H
Kylee Schoen	10/1/2021	at max	5H	5H	5H	5H	5H	5H	5H
Frederick Naumann IV	10/1/2021	at max	5H	5H	5H	5H	5H	5H	5H
Kasey Barnard	10/1/2019	at max	5H	5H	5H	5H	5H	5H	5H
Frederick Naumann III	10/1/2018	at max	5H	5H	5H	5H	5H	5H	5H
Shelena Maguire	4/1/2012	at max	5H	5H	5H	5H	5H	5H	5H
Russell Jobman	4/1/2012	at max	5H	5H	5H	5H	5H	5H	5H

Name	Last Step Raise	Next Step Raise	CurrentStep	10/1/2021	4/1/2022	10/1/2022	4/1/2023	10/1/2023	4/1/2024
Courtney Brauch	n/a	4/1/2022**	16A	16A	16B	16B	16C	16C	16D
Brian Najera	n/a	4/1/2022**	16A	16A	16B	16B	16C	16C	16D
Kelly Byrne	4/1/2021	4/1/2022	16C	16C	16D	16D	16E	16E	16F
Isaac Haley	10/1/2021	10/1/2022	16C	16C	16C	16D	16D	16E	16E
Ethan Jordan	4/1/2021	4/1/2022	16D	16D	16E	16E	16F	16F	16G
Michael Bolan	10/1/2021	10/1/2022	16D	16D	16D	16E	16E	16F	16F
Natasha Nesbitt	10/1/2021	10/1/2022	16G	16G	16G	16H	16H	16H	16H
Timothy Price	4/1/2021	at max	16H	16H	16H	16H	16H	16H	16H
Shane Maloley	4/1/2016	at max	16H	16H	16H	16H	16H	16H	16H
Joseph McCormick	4/1/2015	at max	16H	16H	16H	16H	16H	16H	16H
Kristine Mangers	4/1/2015	at max	16H	16H	16H	16H	16H	16H	16H
Zachary Lauenstein	4/1/2011	at max	16H	16H	16H	16H	16H	16H	16H
Jennifer Klaus	4/1/2005	at max	16H	16H	16H	16H	16H	16H	16H
Erin Byrne	4/1/2006	at max	16H	16H	16H	16H	16H	16H	16H
Zachary Smith	6/14/2021	10/1/2022	21C	21C	21C	21D	21D	21E	21E
Derrick Hosick	4/10/2021	10/1/2022	21E	21E	21E	21F	21F	21G	21G
Brian Carver	10/1/2010	at max	21H	21H	21H	21H	21H	21H	21H
Wesley Henning	10/1/2010	at max	21H	21H	21H	21H	21H	21H	21H

*Horizontal Advancement Schedule is subject to the provisions set forth in Article 21, Section 5.

**Contingent upon employees successfully completing probationary period and subject to the provisions set forth in Article 21, Section 5.

APPENDIX C

Summary of Covered Benefits	Plan A		Plan B		Plan C - HDHP	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Annual Deductible	Calendar Year		Calendar Year		Calendar Year	
Plan Year or Calendar Year						
Individual	\$500	\$500	\$1,000	\$1,000	\$1,500	\$1,500
Family	\$1,000	\$1,000	\$2,000	\$2,000	\$3,000	\$3,000
Out-of-pocket Maximum	Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx coinsurance	
Individual	\$1,500	\$1,500	\$2,500	\$2,500	\$3,100	\$3,100
Family	\$3,000	\$3,000	\$5,000	\$5,000	\$6,200	\$6,200
Physician Services						
PCP / Specialist	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Chiro	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year
Preventive Care						
Adult	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Child	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Urgent Care	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Hospital Services						
Inpatient	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Outpatient/Ambulatory Surgery	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Emergency Room	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Lab/X-Ray						
Diagnostic Lab / X-ray	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
High Tech Services (MRI, CT scans, etc.)	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Prescriptions (30 days)	RX PLAN A		RX PLAN A		RX PLAN B	
Tier 1	20% (minimum \$5 copay)	Same as In-network	20% (minimum \$5 copay)	Same as In-network		
Tier 2	20% (minimum \$35 copay)		20% (minimum \$35 copay)			
Tier 3	20% (minimum \$35 copay)		20% (minimum \$35 copay)			
Tier 4	Injectables only 20% (minimum \$70 copay)		Injectables only 20% (minimum \$70 copay)			
Mail Order (90 days)	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network		
Prescriptions (30 days)	RX PLAN B		RX PLAN B		RX PLAN B	
Tier 1	20% after ded.	Same as In-network	20% after ded.	Same as In-network	20% after ded.	Same as In-network
Tier 2	20% after ded.		20% after ded.			
Tier 3	20% after ded.		20% after ded.			
Tier 4	Injectables only 30% after ded.		Injectables only 30% after ded.			
Mail Order (90 days)	20% after ded.	20% after ded.	20% after ded.	20% after ded.	20% after ded.	Same as In-network

No Accident Benefit No Deductible Rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Speciality Rx	No Accident Benefit No deductible rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Speciality Rx	Step Therapy Mandatory Speciality Rx
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Employee Cost

Plan A	
Employee	\$50/month
Employee & Spouse	\$105/month
Employee & Children	\$98/month
Family	\$160/month

Plan B	
Employee	no charge
Family	no charge

Plan C	
Employee	no charge
Family	no charge

Employer HSA Contribution for Plan C: \$500/Single \$1,000/Family
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RESOLUTION NUMBER 7070

WHEREAS, the City of Beatrice Nebraska, recognizes the Fraternal Order of Police Lodge #84 ("Union"), as the exclusive bargaining agent for certain employees of the City of Beatrice;

WHEREAS, the City of Beatrice has previously entered into a Union Contract with the Union with a three (3) year term running from October 1, 2021 thru September 30, 2024; and

WHEREAS, the City and Union desire to amend said Union Contract to replace Article 20, Article 21, and Appendix A, rate of pay for employees covered by said Union Contract.

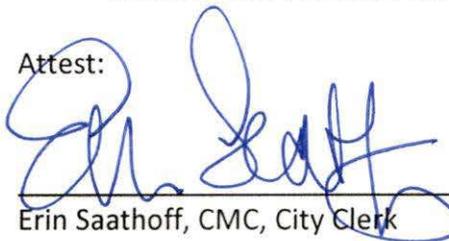
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute Agreement Amendment #1 with the Fraternal Order of Police Lodge #84. A copy of said Agreement Amendment #1, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 15th day of May, 2023.

Attest:


Erin Saathoff, CMC, City Clerk


Robert Morgan, Mayor

Exhibit "A"

AGREEMENT AMENDMENT #1

This Agreement Amendment is made and entered into by and between the City of Beatrice, Nebraska, and a Municipal Corporation, hereinafter referred to as "City," and Fraternal Order of Police Lodge #84, hereinafter referred to as the "Union."

WHEREAS, the City Council of the City of Beatrice, has recognized the Union as the exclusive collective bargaining agent for all Police Sergeants, Police Investigators, Police Officers, Public Safety Dispatchers and Community Service Officers; and

WHEREAS, the Union recognizes the prerogative of the City of Beatrice to operate and manage its affairs in all respects in accordance with its responsibilities and powers which the City of Beatrice must retain in order to properly operate and manage its affairs as required by law; and

WHEREAS, it is the intention of this agreement amendment to alter the wages paid to employees represented by Union.

NOW, THEREFORE, the parties agree with each other that the articles and sections identified herein, replace those similarly numbered articles and sections found in the Union Contract between the City of Beatrice, Nebraska and the and Fraternal Order of Police Lodge #84, executed on November 12, 2021 and that all other articles and sections in the Union Contract remain in their original form:

ARTICLE 20

SALARIES

Section 1 Wages for employees covered by this agreement for the period beginning May 6, 2023 and ending September 30, 2024 shall be in accordance with the schedules set forth in Appendix "A", payable every two weeks, based upon a work year of 2080 hours. Individual placement within such salary schedule shall be in accordance with Article 21 of this Agreement.

Section 2 Any employee designated as a night shift employee shall receive an additional night shift differential pay of thirty-seven dollars and fifty cents (\$37.50) per pay period. The Chief of Police shall designate an employee as a night shift employee.

Any employee who is unavailable to work full duty for five (5) working days or more in a pay period shall not receive the additional night shift differential pay.

Any employee working as the relief dispatcher or working as a swing shift patrolman where his/her schedule alternates between day shift and night shift hours shall be paid the night shift differential if a majority of the hours worked by the employee in the pay period are between the hours of 6:00 p.m. and 6:00 a.m. If a majority of the hours worked by the employee in the pay period are between the hours of 6:00 a.m. and 6:00 p.m. then he/she shall not receive the additional night shift differential for that pay period.

Section 3 Any Police Officer or Public Safety Dispatcher who is assigned by the Chief of Police to train a newly-hired Police Officer or Public Safety Dispatcher shall receive fifty (.50) cents per hour in addition to their regular rate of pay during the period of time that such Police Officer or Public Safety Dispatcher is performing such duties.

ARTICLE 21

PAY PLAN STRUCTURE

Section 1 All employees hired after June 1, 2000 will be considered for horizontal step increases in accordance with the pay schedules set forth in Appendix "A" upon the following basis:

Step A – Entry level

Step B – Upon six (6) months of service in Step A of the job classification and satisfactory completion of his or her probation.

Step C – After one (1) year of service in Step B of the job classification

Step D – After one (1) year of service in Step C of the job classification

Step E – After one (1) year of service in Step D of the job classification

Step F – After one (1) year of service in Step E of the job classification

Step G – After one (1) year of service in Step F of the job classification

Step H – After one (1) year of service in Step G of the job classification

The City reserves the right to place a new hired employee who is certified as a Law Enforcement Officer and has prior experience at a rate of pay higher than Step A.

The City reserves the right to place a new hired employee who is certified as a dispatcher and has prior experience at a rate of pay higher than Step A.

Section 2 In no case shall any employee receive more than one horizontal step increase within any calendar year; and in no case shall any employee be advanced beyond the maximum rate of pay grade for his or her classification.

Section 3 Employees, prior to advancing in step, shall be evaluated in writing by the Employer. An evaluation shall be conducted at least yearly. The Evaluation will be conducted initially by the Employee's supervisor, being either a Police Sergeant, Police Lieutenant, Police Captain, or 911 Dispatch Supervisor. The next highest officer shall then review and discuss the evaluation with the supervisor. The next highest officer will then affirm or modify the evaluation. The supervisor and the next highest officer shall then both meet with the Employee to discuss the written evaluation. Employee shall not be evaluated solely by members of the F.O.P., but shall be evaluated solely by members of the Beatrice Police Department.

Section 4 Employees shall be eligible for a horizontal step increase as described in this section only if:

- a. The employee receives a total score that equals thirty (30) or less (for the ten (10) evaluation categories) upon the last written evaluation preceding eligibility for the horizontal step increase; and
- b. The employee has not been subject to a documented disciplinary action, other than an oral or written warning, within the twelve-month period preceding eligibility for the horizontal step increase.

Section 5 For all employees hired after June 1, 2000, except as to the horizontal increase from Step A to Step B, all horizontal step adjustments for employees eligible for such increases in accordance with Section 4 shall be effective on either October 1st or April 1st, whichever occurs sooner, following eligibility for the step adjustment.

Appendix A

Exhibit A shall be amended to reflect the wages set forth in Article 20 Section 1 as shown above. Attached is an amended Appendix A.

IN WITNESS WHEREOF, the parties hereto have set their hands this 15th day of May, 2023.

FRATERNAL ORDER OF POLICE,
LODGE #84

CITY OF BEATRICE, NEBRASKA,
A Municipal Corporation

By [Signature]
President

By [Signature]
Robert Morgan, Mayor

By [Signature]
Vice President

Attest: [Signature]
Erin Saathoff, City Clerk

APPENDIX "A"
SALARY SCHEDULE EFFECTIVE 5-6-2023 THRU 9-30-2024 (HOURLY RATES)

		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Public Safety Dispatcher	5	\$ 20.68	\$ 21.88	\$ 23.09	\$ 24.29	\$ 25.50	\$ 26.71	\$ 27.91	\$ 29.12
Police Officer	16	\$ 26.52	\$ 28.50	\$ 30.47	\$ 32.45	\$ 34.42	\$ 36.40	\$ 38.38	\$ 40.35
Police Sergeant	21	\$ 33.11	\$ 34.32	\$ 35.58	\$ 36.88	\$ 38.28	\$ 39.72	\$ 41.24	\$ 42.80

RESOLUTION NUMBER 6873

WHEREAS, the City of Beatrice Nebraska, recognizes the International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O, (“Union”), as the exclusive bargaining agent for certain employees of the Board of Public Works of the City of Beatrice; and

WHEREAS, the City of Beatrice has previously entered into a Union Contract with the Union; and

WHEREAS, the term of said contract expired on September 30, 2021, and the Union notified the City that it did not desire to automatically renew the contract; and

WHEREAS, the City desires to enter into a new Union Contract with the International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O for a term of six (6) years.

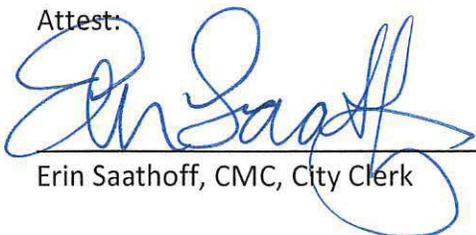
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Union Contract with the **International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O.**, for the term of six (6) years beginning on October 1, 2021 and ending on September 30, 2027. A copy of said Union Contract, marked as Exhibit “A”, is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 4th day of April, 2022.

Attest:


Erin Saathoff, CMC, City Clerk

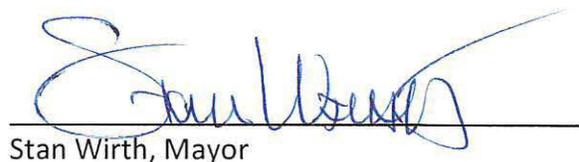

Stan Wirth, Mayor

Exhibit "A"

UNION CONTRACT
CITY OF BEATRICE/BOARD OF PUBLIC WORKS

CITY OF BEATRICE, NEBRASKA

AND

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

LOCAL NO. 1536

A.F.L. - C. I. O.

2021-2027

JR
4-4-22
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JR
4-4-22
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AGREEMENT

This Agreement is made and entered into by and between the City of Beatrice, Nebraska, Board of Public Works, a Municipal Corporation, hereinafter referred to as "City/BPW," and Local No. 1536 A.F.L. - C.I.O., the International Brotherhood of Electrical Workers, hereinafter referred to as the "Union."

WHEREAS, the City has, pursuant to the statutes of the State of Nebraska, extended its recognition to the Union as the exclusive bargaining agent for all employees of the City/BPW, except for those job classifications set forth on Appendix "A", attached hereto and incorporated by reference. The City/BPW has thereby consented to the practices and procedures of collective bargaining as a fair and orderly way of conducting its relations with the employees of the City/BPW insofar as such practices and procedures are appropriate to the functions and obligations of the City, acting through its Mayor and Council to retain the right to effectively operate in a reasonable and efficient manner consistent with the paramount interest of the City and its citizens; and,

WHEREAS, the Union recognizes the prerogative of the City to operate and manage its affairs in all respects in accordance with its responsibilities and powers which the City must retain in order to properly operate and manage its affairs as required by law; and,

WHEREAS, it is the intention of this agreement to provide, where not otherwise mandated by statute, for the salary structure, fringe benefits, and employment conditions contained in this agreement for the employees of the City/BPW covered by this agreement, to prevent interruptions of work and interference with the efficient operation of the City/BPW and to provide an orderly and prompt method for handling and processing grievances.

NOW, THEREFORE, the parties agree with each other as follows:

ARTICLE 1
RECOGNITION

Section 1 The City does hereby recognize the Union as the exclusive representative of all employees of the City/BPW except those job classifications listed on Appendix "A" attached hereto and incorporated by reference.

Section 2 The City will not aid, promote or finance any labor group or organization which purports to engage in collective bargaining or make any agreement with any individual, group, or organization for the purpose of undermining the Union or which is in conflict with this agreement.

ARTICLE 2
CHECK-OFF

Section 1 The City agrees to deduct the Union membership dues once each month from the pay of those employees who individually request in writing that such deductions be made. The amounts to be deducted shall be certified to the City/BPW by the Treasurer of the Union, and shall be certified as being duly approved by the union membership, and the aggregate deductions of all employees shall be remitted together with an itemized statement to the Treasurer by the 10th of the succeeding month, after such deductions are made.

Section 2 **Authorization for Payroll Deduction.** I hereby authorize and direct the City/BPW to deduct from my pay, Union Membership initiation fees, dues and assessments in the amounts fixed in accordance with By-laws of Local Union 1536 and the Constitution of the International Brotherhood of Electrical Workers and pay the same to said Local Union in accordance with the term of the bargaining agreement between the employers and the Union.

This authorization shall be irrevocable for a period of one (1) year from the date hereof or until the termination date of said agreement whichever occurs sooner and I agree that this authorization shall be automatically renewed and irrevocable for successive periods of one (1) year unless revoked by written notice to you and the Union ten (10) days prior to the expiration of each one (1) year period, or of each applicable bargaining agreement between the Employer and the Union, whichever occurs sooner.

Signature _____

Date _____ Dept. _____

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Section 3 The City/BPW shall not be liable for the remittance of any sums other than those constituting actual deductions made; and if for any reason it fails to make a deduction for any employee as above provided, it shall make that deduction from the employee's next pay period in which union dues are normally deducted after written notification to the City/BPW of the error. If the City/BPW makes an overpayment to the Union, the City/BPW will deduct that amount from the next remittance to the Union. The Union agrees to indemnify and hold the City/BPW harmless against any and all claims, suits, orders or judgments brought or issued against the City/BPW as a result of any action taken or not taken by the City/BPW under the provisions of this article.

ARTICLE 3
MANAGEMENT RIGHTS

Except where limited by express provisions of this agreement, nothing herein shall be construed or interpreted to restrict, limit, or impair the right, powers, and authority of the employer heretofore possessed and hereinafter granted by virtue of law, regulations or resolutions. These rights, powers and authority include, but are not limited to, the right to manage and supervise all of its operations and establish work rules, regulations and other terms and conditions of employment. The exercise of such rights, powers and authority shall not be negotiable or reviewable by arbitration.

ARTICLE 4
SAFETY COMMITTEE

Section 1 There shall be appointed a Safety Committee comprised of twelve (12) members. The membership of the Safety Committee shall consist of six (6) members selected by the City Administrator/General Manager and six (6) members selected by the Union. One member of the Beatrice City Council or Board of Public Works may serve as an ex-officio member of the Safety Committee. The Safety Committee shall select a Chairman of the Committee. The Safety Committee shall be appointed in July of each year. The Safety Committee shall formulate rules and regulations for safety and shall submit the same to the City Administrator/General Manager who shall submit the same to the City Council and/or Board of Public Works. Upon approval thereof such safety rules and regulations shall constitute safety rules and regulations for all employees subject to this Union Contract and shall be followed by every employee. The Safety Committee shall hold regular quarterly meetings, and it may hold special meetings at the call of the Chairman or any three members thereof. The Safety

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Committee shall report any violations of any safety rules and regulations to the Department Head/Superintendent who shall enforce the safety rules and regulations or who shall report such violations to the City Administrator/General Manager.

Section 2 **Records.** Safety Committee shall maintain written minutes of its meetings.

Section 3 **Subcommittees and Representatives.** The Safety Committee may appoint such subcommittees as it deems necessary.

ARTICLE 5 **UNION ACTIVITY**

The Union agrees that its members will not solicit membership in the Union or otherwise carry-on union activities during working hours, or on premises of the City/BPW at any time, provided adequate bulletin board space for the purpose of the placing of notice of time and place of union meetings will be allowed.

ARTICLE 6 **GRIEVANCE PROCEDURE**

Section 1 The grievance procedure set forth herein is designed to preserve harmony and friendly relations between the City/BPW and its employees. Furthermore, the grievance procedure is to provide a just and equitable method for resolution of grievances without discrimination, coercion, restraint, or reprisal against any such employee who may submit or be involved in a grievance. This grievance procedure shall not apply where state and city Civil Service Laws, Rules and Regulations take precedence.

Section 2 In reducing a grievance to writing, the following information must be stated with reasonable clarity: The exact nature of the grievance, the act or acts of commission or omission, the identity of the party or parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the grievance, if known, the specific provisions of this agreement that are alleged to have been violated, and the remedy which is sought.

Section 3 A grievance is hereby jointly defined to be any disagreement concerning the interpretation or application of the terms of this agreement.

Section 4 Grievances shall be processed in the following manner:

Step 1. Any employee, subject to this contract, having a grievance shall first present the grievance in writing, to the employee's Department Head

or Superintendent, within five (5) working days after the occurrence. The Department Head or Superintendent shall meet with the employee and his/her representative, within five (5) working days after receipt of the grievance in an attempt to settle the grievance.

The Department Head or Superintendent shall issue a written decision to the employee and his/her representative within five (5) working days after such meeting.

Step 2. If satisfactory settlement is not reached under Step 1, the employee, or his/her representative shall resubmit the grievance described in Step 1, above, within five (5) working days after receipt of the written decision issued in Step 1, to the City Administrator/General Manager. The City Administrator/General Manager shall meet with the employee and his/her representative, within five (5) working days after receipt of the grievance in an attempt to settle the grievance. The City Administrator/General Manager shall transmit a written answer to the employee and his/her representative within twenty (20) working days after such meeting.

Step 3. If satisfactory settlement is not reached under Step 2, the employee and his/her representative shall resubmit the grievance described in Step 1, above, within five (5) working days after receipt of the written decision issued in Step 1, to the Beatrice City Council or Beatrice Board of Public Works, depending on the department the employee works in. The Beatrice Board of Public Works shall hear grievances submitted by employees working in the Electric Department, Water Department, WPC Department, Street Department, BPW Office, and Engineering. The Beatrice City Council shall hear grievances submitted by all employees governed by this Union Contract, except those Departments whose grievances are heard by the Beatrice Board of Public Works as set forth above. The Beatrice City Council or Beatrice Board of Public Works shall schedule an initial meeting with the employee and his/her representative within twenty (20) working days after receipt of the grievance in an attempt to settle the grievance. The Beatrice City Council or Beatrice Board of Public Works may hold subsequent meetings and may interview the parties involved separately or together, but shall transmit, in writing, its answer or its failure to reach agreement on an answer to the employee and his representative within twenty (20) working days after such meeting.

Step 4. If satisfactory settlement is not reached under Step 3, the employee and his/her representative may take any further action they deem necessary.

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Section 5

It is understood and agreed that a written grievance taken to the grievance procedure under this agreement, in order to be valid under this agreement, must allege a direct violation of the express purpose of the contractual provision in question. It is also understood and agreed that it is the intent of the parties to this agreement that a written grievance taken to the grievance procedure shall not be valid if such written grievance challenges action taken by the City/BPW in the exercise of inherent management rights, except where such written grievance is based upon a clear, express limitation thereon.

ARTICLE 7
STRIKES, SLOW DOWNS, LOCKOUTS

Section 1

No right shall exist in any employer or employee to hinder, delay, limit or suspend the continuity or efficiency of any governmental service in a proprietary capacity of the City/BPW, either by strike, lockout or any other means.

Any encouragement, promotion or sanction of strikes against the City/BPW in any form by the Union, or any employee or group of employees, shall be cause for decertification of the Union as bargaining agent for the employees and may be cause for the immediate discharge of any employee or employees who violate the provisions of this article.

ARTICLE 8
HOLIDAYS AND PERSONAL LEAVE

Section 1

The following days are holidays observed by all employees of the City/BPW:

New Year's Day	Labor Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Day After Thanksgiving
Two days Personal leave	Christmas Day

Whenever any of the holidays listed above fall on an employee's regularly scheduled day off, the regularly scheduled work day immediately preceding or following the holiday shall be observed as the holiday, as determined by the City.

Section 2

Eligibility requirements. Employees shall be eligible for pay for any holiday falling within a pay period for which they receive compensation unless the employee ends employment prior to the holiday.

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Section 3 **Holiday pay.** Eligible employees who perform no work on their scheduled holiday will be paid a regular day's pay.

Section 4 **Holiday work.** If an employee works on any of the holidays listed in Section 1, he shall be granted one and one-half times his regular rate of pay.

Section 5 Employees who are absent without authorized leave on the work day immediately preceding or following the observed holiday shall not receive holiday pay pursuant to the provisions of this Article.

Section 6 Each employee will receive sixteen (16) hours of personal leave each year upon request for said leave from the employee's supervisor or Department Head/Superintendent. The time for scheduling said personal leave will be within the discretion of the supervisor or Department Head/Superintendent, but will, so far as possible, be granted at the time desired by the employee. The sixteen (16) hours personal leave shall be administered on a calendar year basis (Jan. 1 to Dec. 31). Any unused personal leave shall not be carried over between calendar years and any unused personal leave shall be lost. Any employee starting employment with the City/BPW on July 1st or later shall only receive eight (8) hours of personal leave during their first year of employment.

Any unused Personal Leave shall not be paid out upon separation from employment for any reason.

ARTICLE 9
VACATIONS

Section 1 **Eligibility and allowances.** All employees of the City/BPW covered by this contract shall be entitled to vacations with pay in accordance with the following:

An employee shall earn vacation commencing at his original date of employment at the rate of:

One (1) through Five (5) years	80 hrs. per year
Six (6) through Ten (10) years	120 hrs. per year
Eleven years (11) and thereafter	160 hrs. per year

An employee shall accrue a prorated portion of their vacation hours per pay period and such employee shall be entitled to take such accumulated vacation subject to provisions herein. An employee must have vacation schedule approved by their Department Head/Superintendent. An

employee may carry over up to two hundred forty (240) hours of vacation time. Employees shall not exceed two hundred forty (240) hours of accrued vacation time on December 31st of any year. If an employee exceeds two hundred forty (240) hours of accrued vacation time on December 31st of any year, then the City/BPW shall buy back the unused accrued vacation time in excess of two hundred forty (240) hours at the employee's current rate of pay. An employee may sell their vacation time back to the City/BPW at the employee's current rate of pay at any time. An employee may not sell more than eighty (80) hours of vacation time in a year. Any accrued vacation hours in excess of two hundred forty (240) hours on December 31st, not bought back by the City/BPW shall be forfeited by the employee.

Section 2 Vacations will, so far as possible, be granted at a time desired by the employee, but the final right to allotment is reserved by the City/BPW to ensure continuity of services.

Section 3 An employee shall have an amount of pay equivalent to his/her vacation hours earned but not taken added to his/her final paycheck at a rate equal to the employee's regular hourly wage at the time employment is ended

Section 4 **Vacation pay.** The rate of vacation pay shall be the employee's regular straight time rate of pay in effect for the employee's regular job on the date immediately preceding the employee's vacation period.

Section 5 **Vacation time during summer months.** The employee may receive only two (2) weeks of vacation during the months of June, July and August. Any additional accrued vacation time may be taken by the employee at the discretion of the City/BPW scheduled at any other time outside of the three months mentioned in this section. This section is not meant to contradict or be in conflict with Section 2 above.

ARTICLE 10
SICK LEAVE

Section 1 **Allowance.** Employees incurring any sickness or disability which renders such employee unable to perform the duties of his employment, shall receive sick leave with pay.

Employees shall be eligible to use sick leave after thirty (30) calendar days of service with the employer, and shall earn sick leave at the rate of one day for each month worked.

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Section 2 **Accumulation.** Employees may accrue up to one thousand forty (1,040) hours of sick leave.

Any employee with more than one thousand forty (1,040) hours of accumulated unused sick leave as of the 1st day of January of each year shall receive payment in an amount equal to 50% of the value of employees' accumulated unused sick leave in excess of one thousand forty (1,040) hours. Value of employee's accumulated unused sick leave shall be the employee's rate of compensation times the number of accumulated sick leave hours in excess of one thousand forty (1,040) hours times 50%.

Sick leave shall not accrue during any period of leave of absence without pay, or during a period of sick leave of one (1) month or more.

Section 3 **Unused Sick Leave.**

An employee shall be compensated for his/her accumulated unused sick leave hours as set forth below, if the employee has provided the City Administrator/BPW General Manager with two (2) weeks written notice of resignation from employment. Any employee leaving employment voluntarily without providing two (2) weeks written notice shall forfeit his/her accumulated unused sick leave hours. Any employee leaving employment involuntarily shall not be required to provide two (2) weeks written notice in order to receive payment for his/her accumulated unused sick leave hours.

Employees shall be compensated for fifty percent (50%) of any accumulated unused sick leave hours when they are permanently separated from employment for any reason; however, employees shall be compensated for seventy-five percent (75%) of any accumulated unused sick leave hours when they are permanently separated from employment as a result of retirement on or after reaching the age of fifty-five (55) or death. In event of death, payment is to be made to the estate of the employee. The amount of payment for all unused sick leave is to be calculated at the employee's rate of pay in effect on the pay day immediately preceding the employee's separation.

Any employee hired after October 1, 2008 shall not be compensated for any accumulated unused sick leave upon separation from employment for any reason.

Section 4 An employee may be required by the Department Head/Superintendent to submit a medical certification for any absence for which sick leave is taken. Failure to fulfill this requirement may result in denial of sick leave.

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No refund of vacation time shall be allowed due to illness incurred while on vacation leave.

Section 5 A release to return to work from a medical doctor is required after three (3) days consecutive absence. A release to return to work may be required by a Department Head/Superintendent at any time if the Department Head/Superintendent thinks that the employee is abusing their sick leave.

Section 6 The sick leave benefit is authorized only for illness, injury or necessary appointments with doctors or dentists. If at all possible, the employee should notify his supervisor before work time of their inability to come to work for any of the above reasons.

Section 7 **Family Sickness and Disability.**
An employee shall not use more than ten (10) days each calendar year of accumulated sick leave at the discretion of the Department Head/Superintendent for a sickness or disability of an employee's family member. Family member shall mean the employee's spouse, sons, daughters, mother, father, step-parents, mother-in-law, or father-in-law, step-child, and person or persons the employee is guardian over, who are under the age of eighteen (18), and currently live in the employee's house.

Section 8 Abuse of the sick leave benefit will not be tolerated and will be considered a reason for dismissal.

Section 9 For purposes of this article one (1) day shall equal eight (8) hours straight time in regard to the accumulation of sick leave.

Section 10 **Workers Compensation**
If an employee is receiving workers compensation and they wish to receive the difference between their normal net wage after taxes and their workers compensation payment, then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

ARTICLE 11
LEAVES OF ABSENCE WITH AND WITHOUT PAY

Section 1 In the event of a death in the family, an employee may be granted time off with pay at the discretion of the Department Head/Superintendent in accordance with the following schedule of maximum allowable times:

Employee's spouse, child, or step child	40 hrs.
Employee's parents or step parents	24 hrs.

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Employee's mother-in-law or father-in-law	24 hrs.
Employee's brother or sister	16 hrs.
Employee's step-brother or step-sister	16 hrs.
Employee's brother-in-law or sister-in-law	16 hrs.
Employee's grandparent	16 hrs.
Employee's grandchild	24 hrs.
Employee's daughter-in-law or son-in-law	16 hrs.

In the case of other relatives or friends, an employee may be granted up to four (4) hours to attend a funeral in the City and up to eight (8) hours to attend a funeral outside the City; however, an employee shall not be granted more than twenty-four (24) hours of time off in a calendar year to attend funerals of relatives or friends other than those listed above. If the above is not sufficient, then vacation time or leave without pay must be taken. One (1) day maximum may be granted in cases in which the employee is a pallbearer.

Section 2 **Military Service.** All employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corp Reserve, Air Force Reserve, Coast Guard Reserve, shall be entitled to leaves of absence in accordance with state law. During such leave of absence, the City/BPW shall not pay the health insurance premiums of the employee and the employee shall not be entitled to any of the benefits set forth in this agreement.

Section 3 **Jury service.** When an employee covered by this agreement is called for jury service, he/she shall advise his/her supervisor upon receipt of such call, and, if taken from his/her work for such service, he/she shall be paid by the City/BPW the difference between the jury service pay and his regular hourly rate, not to exceed eight (8) hours for each regular work day while serving. This also covers employees called and who report, but do not actually serve.

Section 4 When an employee covered by this agreement hereby is subpoenaed as a witness related to their employment, the employee shall immediately advise his/her supervisor of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall be granted sufficient leave of absence to enable him/her to make timely appearance in obedience to such subpoena and to return to his/her work after his release from further attendance in court. Such employee shall be paid by the City/BPW the difference between the witness fee and mileage paid at his/her regular rate for each hour in attendance in court, not to exceed eight (8) hours for each day while in attendance.

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When an employee covered by this agreement hereby is subpoenaed as a witness not related to their employment, the employee shall immediately advise his/her supervisor of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall take vacation time, comp time, or personal leave to enable him/her to make timely appearance in obedience to such subpoena and to return to his/her work after his release from further attendance in court.

Section 5 Each employee shall receive no pay from the City/BPW for jury service or for attendance as a witness for days or hours which such employee is not scheduled for work.

Section 6 Employees may be granted administrative leave to attend official functions of professional organizations at their Department Head/Superintendent's discretion. Administrative leave granted to employees for this purpose shall be with pay to the extent of the normal workday or work-week. Employees who are granted time off at the discretion of their Department Head/Superintendent due to inclement weather or other emergency shall be included in this section.

Section 7 Employees who are injured or become ill as a result of the performance of their duties and are unable to perform the essential function of his/her job shall be granted injury leave not to exceed three (3) of the employee's normal work shifts for any particular job-related illness or injury and the employee shall not be required to use sick leave for such injury leave. An employee may use their injury leave at the time of the accident or within fourteen (14) calendar days of the accident if the employee can provide medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. The City/BPW may require medical documentation substantiating the job-related illness or injury and the employee's inability to perform the essential functions of his/her job. Upon receipt of a release from the employee's attending physician, the Department Head/Superintendent may require the employee to report to work for light duty.

Section 8 Employees will be covered by any "Family Medical Leave Act Policy", adopted by resolution of the City Council.

Section 9 **Leave of Absence.** Any employee who has completed their probationary period may request a leave of absence up to ninety (90) days. Before any employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, compensatory time, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state

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the reason they are requesting a leave of absence in writing. While an employee is on leave of absence they shall not receive or accrue any compensation time, vacation time, sick time, personal leave, and the City/BPW shall not pay the employee, City/BPW shall not pay for the employee's health insurance, and the employee shall not receive any other benefits set forth in this agreement.

An employee shall not be granted more than ninety (90) days of a leave of absence during a rolling calendar year.

ARTICLE 12

GROUP HEALTH, DENTAL INSURANCE, AND LONG TERM DISABILITY

- Section 1** Group health insurance shall be made available to all full-time employees and their dependents. Health insurance benefit details are outlined in Appendix "C". The City shall not change any benefits or coverages set forth herein without negotiating said changes with the IBEW in advance. The IBEW shall not unreasonably withhold their consent to any changes of the group health insurance plan.
- Section 2** Term life insurance shall be provided for full-time employees in the benefit amount of one (1) times employee's annual salary. Such life insurance shall not be provided for dependents.
- Section 3** If an employee retires at the age of 62, 63 or 64, the retired employee and his or her dependents are eligible to continue coverage under the group health insurance plan described in Section 1 above until the retired employee either reaches the age of 65, becomes eligible for benefits under Title XVIII of the Social Security Act, or dies, whichever occurs sooner. The retired employee shall pay the cost of the COBRA premium for such coverage. Eligibility for coverage will cease if the retired employee fails to make timely payment of any premium paid under this section.
- Section 4** City/BPW agrees to make available to the employee and his or her family Group Dental Coverage, at the expense of the employee, at the group rate through payroll deductions. The administration costs of the plan will be paid by the City/BPW.
- Section 5** Union shall have four representatives selected by Union to represent Union's interest on a committee formed by City/BPW to address health insurance issues as they may directly pertain to this Contract.
- Section 6** **Long term Disability Insurance.** All full-time employees shall have long term disability insurance. All employees shall pay the premium for said

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long term disability insurance. The City/BPW shall withhold the insurance premium for the long-term disability insurance from each employee's paycheck.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long term disability payment then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

While an employee is receiving long term disability, they shall not accrue any compensation time, vacation time, sick time, and/or personal leave.

ARTICLE 13
RETIREMENT PLAN

Section 1 All employees will be covered by a Defined Contribution retirement plan.

Employee contributions shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours; provided, however, the employee shall have the option to contribute a maximum as described by Federal Law of the above-described gross pay. The City/BPW's contribution shall be six percent (6%) of each employee's gross pay for a regular work week of forty (40) hours.

Employee contributions shall be withheld from the employee's check every pay period.

Section 2 Upon an employee beginning to participate in the retirement plan offered by the City/BPW, the employee's contributions shall be vested with the employee immediately and the employer's contributions to the plan shall be vested with the employee at a rate of twenty-five percent (25%) each year.

Employees must remain in the plan as long as they are employed by the City/BPW.

Section 3 This plan is in addition to social security or any other plan the employee may have.

Section 4 The employee must have six (6) months of continuous service before he or she is eligible for participation in this plan. Participation is mandatory when the employee becomes eligible.

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ARTICLE 14
SALARIES

- Section 1** Union Employees shall receive a four percent (4.0%) increase in wages effective October 1, 2021, a four percent (4.0%) increase in wages effective October 1, 2022, a three percent (3.0%) increase in wages effective October 1, 2023, a two and a half percent (2.5%) increase in wages effective October 1, 2024, a two and a half percent (2.5%) increase in wages effective October 1, 2025, and a two percent (2.0%) increase in wages effective October 1, 2026. The pay ranges for the various pay grades described in Appendix "B", attached hereto and incorporated herein by this reference, for the period from October 1, 2021 through September 30, 2027.
- Section 2** The pay grades for the periods from October 1, 2021 to September 30, 2027 for work performed in the various job classifications under this Agreement are set out in Appendix "B", attached hereto and incorporated herein by this reference. Individual placement within a pay grade shall be in accordance with the employee's last placement on the salary schedule at the end of the prior year.
- Section 3** Employees shall be paid every two (2) weeks.
- Section 4** Performance based salary increases shall be granted to employees in accordance with the discretionary recommendations of the City/BPW. A performance-based salary increase for an employee may be granted no more often than six (6) months from the date the last performance-based salary increase for the employee became effective. No such salary increases shall be automatic, but shall be dependent on the above-described recommendations and action.

ARTICLE 15
EDUCATION PLAN

- Section 1** The City/BPW would like to promote the further educational training of its employees. Therefore, if it is the desire of an employee to take education course work, he or she should contact their supervisor who will forward their request to the City Administrator/General Manager for his/her approval.
- Section 2** Courses selected must be in a field with the employee's job or with a job performed by the City/BPW to which the employee may be assigned. Approval of the course shall be in the sole discretion of the City Administrator/General Manager.

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Section 3 **Payment for Course.** If the employee receives a grade of C or higher in the approved course, the City/BPW will pay the total cost of the course. The employee shall make all payments for all costs up until successful completion of the approved course. There shall be no time limit for the completion of any approved course taken.

Section 4 The employee will be required to sign a statement that he or she will remain an employee of the City/BPW for two (2) years after successful completion of the course or reimburse the City/BPW for the expenses incurred.

ARTICLE 16
OVERTIME AND CALL-TIME

Section 1 **Overtime.** All employees shall be paid overtime at the rate of one and one-half times their regular hourly rate for all hours worked in excess of their regularly scheduled shift time, provided this is in excess of a forty (40) hour work week.

Section 2 **Stand-by time.** If no calls are received by the regular scheduled stand-by servicemen during the night, he/she shall be paid one (1) hour at the regular overtime rate of pay for such employee with a call-out pay basis of a 1-hour minimum. Regular scheduled stand-by servicemen shall be paid in accordance with the other provisions of this Agreement, for all hours worked in addition to the one (1) hour stand-by allowed in the preceding paragraph, except that such employee relinquishes said provision to his/her Department Head/Superintendent-approved replacement when he/she reports sick. An employee, other than the regularly scheduled stand-by servicemen, called to work outside of his/her shift time shall be paid for a minimum of one (1) hour of work, but he/she must complete the requirements of the forty (40) hour work week as described in Section 1 before overtime will be computed.

Section 3 When an employee has put in sixteen (16) consecutive hours on the job, the employee shall be given an eight (8) hour rest period and if such rest period extends into his regularly scheduled working day, the lost regularly scheduled working hours will not affect any overtime accrued in the previous work period, it will count toward the forty (40) hour work week for the purpose of overtime computation in the work week that the hours are lost. Notwithstanding the provisions of this section, the employee may opt to work more than sixteen (16) consecutive hours upon request of the Department Head/Superintendent.

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Section 4 **Definition of Compensatory Time.** Compensatory time as used in this Article shall mean hours during which an employee is not working, which are counted as hours actually worked during the applicable work period and for which the employee is compensated at the employee's base hourly rate.

Section 5 **Compensatory Time.** For all employees, compensatory time rather than overtime compensation may be given for all hours actually worked in excess of forty (40) hours in the 7-day work period established for the employee and indicated on the time sheet of the employee.

The decision as to whether compensatory time is given in lieu of overtime payment in cash shall be in the discretion of the employee; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at the rate of one and one-half hours of compensatory time for each hour of overtime work. No employee shall ever have more than one hundred and twenty (120) hours of comp time on the books. No employee shall use more than one hundred and twenty (120) hours of comp time in a year (January 1st to December 31st). An employee may be able to use more than one hundred and twenty (120) hours of comp time in a year if the additional comp time is used pursuant to the Return-to-Work Policy.

Section 6 **Use of Compensatory Time.** Any employee who has accrued compensatory time as set forth in Section 5 of this Article and request use of such compensatory time shall be permitted to use such time off within a reasonable period after making the request so long as such use does not unduly disrupt the operations of the department.

Section 7 **Payment for Compensatory Time Upon Termination of Employment.** An employee who has accrued compensatory time off pursuant to Section 5 shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than -

(a) the average base hourly rate of pay received by such employee during the last three (3) years of the employee's employment, or

(b) the final base hourly rate received by such employee, whichever is higher.

Section 8 **Definition of Work Day and Work Week.** A typical Work Day shall be defined as beginning no earlier than 6:00 a.m. and no later than 10:00 a.m., and running eight (8) consecutive hours not including one (1) hour for lunch for employees whose typical meal periods are one (1) hour, or not

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including thirty (30) minutes for employees whose typical meal periods are thirty (30) minutes. A typical Work Week shall be defined as forty (40) hours beginning on Monday and ending on Friday. Emergency work resulting from storms, accidents, damage to City/BPW property or other causes requiring personnel to work outside of defined normal working hours shall not be included as part of a typical Work Day or Work Week.

An employee's typical work day or work week may also be altered by agreement of the employee.

This section shall not apply to employees at the Landfill.

ARTICLE 17
PROBATIONARY EMPLOYEES

Section 1 All new employees hired to fill any of the jobs covered by this agreement shall be considered on probation for the first six (6) months of their employment. During this probationary period, none of the provisions of this agreement shall apply to such persons except that the hours of work and hourly rates of pay shall be based on the rates provided herein. However, probationary employees shall receive health insurance as all other employees in accordance with the terms of the City/BPW health insurance policy and shall accrue sick leave and vacation time in accordance with this contract as all other employees.

During the six-month probationary period, probationary employees will be paid at an hourly rate for the job and for the hours worked and will be entitled to pay for holidays on exactly the same basis as regular employees.

Section 2 After the satisfactory completion of the six (6) months probationary period, the employee shall receive a pay increase of five percent (5.0 %).

ARTICLE 18
PROMOTIONS

Employees of the City/BPW may apply to open positions within the City/BPW. Any employee to be so promoted must be qualified in accordance with the specifications and performance requirements set down in the discretion of the City/BPW. Any employee already employed by the City/BPW in a job covered by this agreement and promoted to fill any of the jobs covered by this agreement shall not be placed on probation for the job they were promoted into. Any adjustments to an employee's compensation shall be made at the time of the promotion. The City/BPW shall post all job openings within the City/BPW.

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ARTICLE 19
DISCIPLINARY ACTION

Section 1 Disciplinary action ranging from a reprimand to a discharge may be taken for any of the following reasons:

1. Incompetence, inefficiency, or inattention or dereliction of duty.
2. Dishonesty, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service or any willful failure on the part of the employee to properly conduct himself or herself.
3. Physical or mental unfitness for the position for which the employee holds.
4. Violation of a proper order or regulation.
5. Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of his or her position.
6. Conviction of a felony or conviction of a misdemeanor tending to injure the employee's ability to effectively perform the duties of his or her position.
7. Habitually being absent or late.
8. Negligent or willful damage, waste or theft of property.
9. Unexcused absences.

As used in this Article, the phrase "habitually being absent or late" shall mean being absent or late for work on 10 days during a 12-month period.

Section 2 If an employee is convicted of any offense by a court of law where as a result of such conviction such employee's operator's license is revoked or suspended for any period of time or such employee is ordered by a court not to drive any motor vehicle in the State of Nebraska for any purpose for any period of time, then the employee shall be subject to the following disciplinary action if operating a motor vehicle is an essential function of the employee's job classification:

- A. 1st conviction by a Court – Written Reprimand
- B. 2nd conviction by a Court - Completion of a rehabilitation program and/or defensive driving program as determined by the City Administrator/ General Manager. If the employee refuses to complete such program(s) within the

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time period established by the City Administrator/ General Manager, then the employee will be terminated.

C. 3rd conviction by a Court - Termination of employment.

Section 3 Employees who operate a commercial vehicle for the Employer are subject to the Drug and Alcohol Use and Testing Procedures established in 49 C.F.R. Part 382. All other employees are subject to the "Drug-Free Workplace Policy" as adopted by the Beatrice City Council.

Section 4 Whenever information is received by an employee's Department Head, Superintendent, or the City Administrator/ General Manager that indicates the need to discipline an employee with more than an oral reprimand, the employee shall be notified with a summary of the information. No sooner than twenty-four (24) hours after the employee has received notification, the employee's Department Head or Superintendent shall meet with the employee involved, present the information that has come to the City/BPW's attention and give the employee an opportunity to admit or deny the charge and present information regarding mitigating circumstances. The employee shall be provided with written notification of any disciplinary action describing the reasons and circumstances surrounding the disciplinary action.

ARTICLE 20 **LAYOFF AND RECALL**

Section 1 Whenever the City/BPW determines that a reduction in force is necessary, the City/BPW will determine the timing of layoffs, the number of employees to be laid off and in which job classifications within a department layoffs will be effected. The term "department" as used in this Article shall mean either the Electric Department, the Water Department,

the Wastewater Pollution Control Department, the Street Department, the Administration Offices, Engineering Department, Landfill, City Clerk's Office, Building Inspections Office, or Public Properties Department of the City/BPW.

Section 2 If the City/BPW determines that one or more employees in a job classification within a department shall be laid off; the layoffs shall be made on the basis of seniority. No regular full-time employees shall be laid off from any classification within a department while there are provisional probationary part-time or temporary employees working in such classification in such department.

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Section 3 In the event an employee becomes subject to layoff in his or her classification within a department, and the City/BPW determines, in its discretion, that such an employee is qualified to perform duties in a lower classification in such department, he or she shall be permitted to take a position in such lower classification within such department, and any employees in such lower classifications subjected to layoffs by virtue of the provisions of this section, shall be laid off in accordance with the provisions of Section 2 hereof.

Section 3 In the event the employee becomes subject to layoff in his or her particular classification within a department and a vacancy exists in a lower or equivalent classification within such department for which the City/BPW determines in its discretion that he or she is qualified, he or she shall be appointed to such position within such department on the basis of his or her seniority.

Section 4 Where by virtue of a reduction of work force, an employee takes a position in a lower or equivalent classification within his or her department in accordance with the provisions in Section 3 and 4 hereof, and a reduction in work force becomes necessary in such lower or equivalent classification within such department, such employee shall be credited with classification seniority earned in his or her higher or equivalent classification.

Section 5 The names of regular full-time employees who have been laid off shall be placed on a layoff list and shall be eligible for re-employment within his or her department for a period of two (2) years, and the employer shall rehire ~~in the reverse order of layoff; provided, such employees are otherwise~~ qualified to perform the duties of the position. A laid-off employee subject to recall who is employed elsewhere shall not be required by the City/BPW to report for work until after the expiration of two (2) weeks from the date of notice. If such employee is not employed elsewhere, he or she shall be required to report to work at such reasonable times as required by the City/BPW giving consideration to all of the attendant circumstances. The City/BPW shall be required to provide such employees subject to recall with written notice sent via certified mail to their last known address as shown on the City/BPW's records.

Section 6 An employee subject to layoff shall be provided with notice thereof in writing at least fifteen (15) days prior to the effective date of the layoff with a copy transmitted to the President of the local IBEW Union.

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Section 8 Upon a change in classification caused by a layoff, the employee shall be paid at such classification rate which most nearly approximates his or her rate of pay immediately prior thereof.

Section 9 No new employee shall be hired into a classification within a department where employees are laid off until all employees on layoff status desiring to return to work have been recalled.

ARTICLE 21
PERSONNEL RECORD

An employee shall be entitled to review his complete personnel record for a reasonable time on his off-duty hours, and when the City Administrator/General Manager or his designated representative is present to obtain the file for the employee. In the event such employee disagrees with anything in such personnel record, he may submit a rebuttal in writing to be placed in his personnel record and affixed to any personnel action taken by the employer. Such rebuttal shall constitute and remain a part of his personnel record.

ARTICLE 22
REIMBURSEMENT FOR CDL

Any employee who is required by the City/BPW to obtain and maintain a Commercial Driver's License (CDL) of any type as required in the performance of the employee's duties in the operation of certain City/BPW-owned vehicles shall be reimbursed for the difference between the license fee cost for such Commercial Driver's License paid by such employee and the license fee amount charged by the State of Nebraska for a Class O operator's license.

ARTICLE 23
ENTIRE AGREEMENT

The parties acknowledge that during the negotiations which resulted in this agreement, each had the unlimited right and opportunity to make demands and proposals with respect to collective bargaining, and that the understanding and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this agreement. Therefore, the City/BPW and the Union, for the duration of this agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter not specifically referred to, or covered in this agreement, even though such subjects or matters may not have been within the

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knowledge or contemplation of either or both of the parties at the time they negotiated or signed this agreement.

ARTICLE 24
SAVINGS CLAUSE

Section 1 Should any Article, Section, or portion thereof, of this agreement be held unlawful and unenforceable by proper legislative or judicial authority or any court of competent jurisdiction, upon the issuance of such a decision, the parties shall agree immediately to negotiate a substitute for the invalidated Article, Section, or portion thereof.

Section 2 If any provision of this agreement is declared by proper legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable statutes or ordinances, all other provisions of this agreement shall remain in full force and effect for the duration of this agreement.

ARTICLE 25
SAFETY EQUIPMENT ALLOWANCE

The City/BPW shall provide safety type shields or glasses for employees to wear in performance of hazardous work.

ARTICLE 26
REOPENER CLAUSE

Health Insurance - The parties hereby agree that upon execution of this Agreement should the City, upon written notice to the IBEW Union, reopen Article 12 Sections 1 & 3 of this Agreement as those items relate to group health insurance, the IBEW Union may reopen Article 14 Section 1 & 2 and Appendix B of this Agreement as those items relate to wages. Such notice shall be given by the City forty-five (45) calendar days prior to the date upon which renegotiations shall begin. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

MSA - The parties hereby agree that if during the term of this Agreement that the City of Beatrice is designed as a Metropolitan Statistical Area (MSA) by the United States Census Bureau that either party may upon written notice provided to the other party, reopen Article 12 Section 1 & 3 of this Agreement as those items relate to group health insurance and

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Article 14, Section 1 & 2 and Appendix B of this Agreement as those items relate to wages. Such notice shall be given by the City forty-five (45) calendar days prior to the date upon which renegotiations shall begin. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

Inflation – The parties hereby agree that between September 1, 2024 and September 15, 2024, the IBEW Union may notify the City, in writing of its desire to reopen this Agreement, provided, that such reopening and any resulting negotiations shall be for the sole purpose of negotiating a change in the base hourly rates established in Article 14, Section 1 & 2 and Appendix B for employees for the period from October 1, 2024 to September 30, 2027 and provided that Union shall only have the right to reopen this Agreement at such time if the Consumer Price Index for All Urban Consumers (CPI-U) for All items in Midwest – Size Class B/C, all urban for the period beginning the month of November, 2021 and ending the month of July, 2024 increases by at least 15%. Both parties agree that upon reopening the parties will renegotiate in good faith changes to those Sections. Should the parties be at an impasse as it relates to these specific sections, then each party shall retain its power to seek redress pursuant to Nebraska law. All other provisions of this Agreement shall remain in full force and effect during any reopening.

ARTICLE 27
TERMINATION OF AGREEMENT

This agreement shall be effective as of the 1st day of October, 2021, and shall remain in full force and effect until the 30th day of September, 2027. Thereafter, either party shall notify the other in writing sixty (60) days prior to the anniversary date if they desire to modify this agreement.

In the event such notice is not given, this agreement shall automatically renew for an additional six (6) year period. All benefits, salary increases, and policies contained herein shall remain unchanged.

In the event such notice is given, negotiations shall begin not later than thirty (30) calendar days prior to the anniversary date and this agreement shall remain in full force and effect during the period of negotiations and until notice of termination of this agreement is provided to the other party in the manner set forth in the following paragraph.

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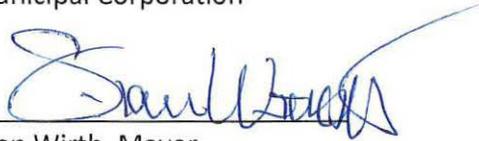
In the event that either party desires to terminate this agreement, written notice must be given to the other party not less than sixty (60) calendar days prior to the termination date which termination date shall be September 30, 2027.

DATED this 4th day of ~~March~~ April, 2022.

Attest:


Erin Saathoff, CMC, City Clerk

CITY OF BEATRICE, NEBRASKA,
A Municipal Corporation

By 
Stan Wirth, Mayor

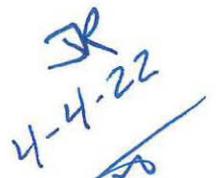
Witness:



INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS
Local No. 1536 A.F.L.-C.I.O.

By 
Union Representative

By 
Business Manager


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APPENDIX "A"- JOB CLASSIFICATIONS NOT REPRESENTED BY IBEW

911 Director
Airport Maintenance Technician
Airport Maintenance Worker
Airport Manager
Chief Building Inspector
City Administrator
City Attorney
City Clerk
City Engineer
Community Relations Coordinator
Deputy Fire Chief
Director of Public Properties
Electric Superintendent
Finance Director
Fire Captain
Fire Chief
General Manager
Info Tech Coordinator
Landfill Superintendent
Librarian
Library Assistant
Library Director
Mechanic
Part-Time Employees
Police Captain
Police Chief
Police Lieutenant

Sanitation Laborer
Sanitation Collection Driver
Sanitation Superintendent
Sanitation Working Foreman
Seasonal Employees
Street Superintendent
Temporary Employees
Variable Hour Employees
Water Superintendent
Wastewater Superintendent
Employees Represented By The Firefighters Union Local No. 1098
Employees Represented By The Fraternal Order Of Police Lodge No. 45a

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2021 THRU SEPTEMBER 30, 2024

		4.0% Increase EFFECTIVE 10/1/2021		4.0% Increase EFFECTIVE 10/1/2022		3.0% Increase EFFECTIVE 10/1/2023	
		Min	Max	Min	Max	Min	Max
37	hr	\$ 11.68	\$ 17.10	\$ 12.15	\$ 17.78	\$ 12.51	\$ 18.32
	mo	\$2,024.32	\$2,963.50	\$ 2,105.30	\$ 3,082.04	\$2,168.46	\$ 3,174.50
38	hr	\$ 11.96	\$ 17.52	\$ 12.44	\$ 18.22	\$ 12.82	\$ 18.76
	mo	\$2,073.93	\$3,036.12	\$ 2,156.89	\$ 3,157.57	\$2,221.59	\$ 3,252.30
39	hr	\$ 12.26	\$ 17.95	\$ 12.75	\$ 18.67	\$ 13.14	\$ 19.23
	mo	\$2,125.43	\$3,111.51	\$ 2,210.44	\$ 3,235.97	\$2,276.76	\$ 3,333.05
40	hr	\$ 12.57	\$ 18.41	\$ 13.08	\$ 19.14	\$ 13.47	\$ 19.72
	mo	\$2,179.27	\$3,190.33	\$ 2,266.44	\$ 3,317.94	\$2,334.43	\$ 3,417.48
41	hr	\$ 12.88	\$ 18.86	\$ 13.40	\$ 19.61	\$ 13.80	\$ 20.20
	mo	\$2,233.10	\$3,269.15	\$ 2,322.43	\$ 3,399.91	\$2,392.10	\$ 3,501.91
42	hr	\$ 13.19	\$ 19.32	\$ 13.72	\$ 20.09	\$ 14.13	\$ 20.69
	mo	\$2,286.94	\$3,347.96	\$ 2,378.42	\$ 3,481.88	\$2,449.77	\$ 3,586.34
43	hr	\$ 13.52	\$ 19.79	\$ 14.06	\$ 20.58	\$ 14.48	\$ 21.20
	mo	\$2,343.12	\$3,430.20	\$ 2,436.84	\$ 3,567.41	\$2,509.95	\$ 3,674.43
44	hr	\$ 13.85	\$ 20.28	\$ 14.41	\$ 21.09	\$ 14.84	\$ 21.72
	mo	\$2,401.10	\$3,515.08	\$ 2,497.14	\$ 3,655.69	\$2,572.06	\$ 3,765.36
45	hr	\$ 14.20	\$ 20.79	\$ 14.77	\$ 21.62	\$ 15.21	\$ 22.27
	mo	\$2,461.13	\$3,602.96	\$ 2,559.57	\$ 3,747.08	\$2,636.36	\$ 3,859.49
Facility Maintenance Worker 46	hr	\$ 14.55	\$ 21.31	\$ 15.14	\$ 22.16	\$ 15.59	\$ 22.82
	mo	\$2,522.65	\$3,693.03	\$ 2,623.56	\$ 3,840.75	\$2,702.27	\$ 3,955.98
47	hr	\$ 14.92	\$ 21.84	\$ 15.51	\$ 22.71	\$ 15.98	\$ 23.39
	mo	\$2,585.72	\$3,785.36	\$ 2,689.15	\$ 3,936.77	\$2,769.82	\$ 4,054.88
48	hr	\$ 15.29	\$ 22.38	\$ 15.90	\$ 23.28	\$ 16.38	\$ 23.98
	mo	\$2,650.36	\$3,879.99	\$ 2,756.38	\$ 4,035.19	\$2,839.07	\$ 4,156.25
49	hr	\$ 15.67	\$ 22.94	\$ 16.30	\$ 23.86	\$ 16.79	\$ 24.58
	mo	\$2,716.62	\$3,976.99	\$ 2,825.29	\$ 4,136.07	\$2,910.05	\$ 4,260.16
Admin Assistant, Ambulance Billing Clerk Utility Billing Clerk 50	hr	\$ 16.06	\$ 23.52	\$ 16.71	\$ 24.46	\$ 17.21	\$ 25.19
	mo	\$2,784.54	\$4,076.42	\$ 2,895.92	\$ 4,239.47	\$2,982.80	\$ 4,366.66
Victim Assistant Coordinator 51	hr	\$ 16.47	\$ 24.11	\$ 17.12	\$ 25.07	\$ 17.64	\$ 25.82
	mo	\$2,854.15	\$4,178.33	\$ 2,968.32	\$ 4,345.46	\$3,057.37	\$ 4,475.83
Accounting Clerk, Code Compliance Officer 52	hr	\$ 16.88	\$ 24.71	\$ 17.55	\$ 25.70	\$ 18.08	\$ 26.47
	mo	\$2,925.51	\$4,282.79	\$ 3,042.53	\$ 4,454.10	\$3,133.80	\$ 4,587.72
Maintenance Worker I 53	hr	\$ 17.30	\$ 25.33	\$ 17.99	\$ 26.34	\$ 18.53	\$ 27.13
	mo	\$2,998.64	\$4,389.86	\$ 3,118.59	\$ 4,565.45	\$3,212.15	\$ 4,702.41
54	hr	\$ 17.73	\$ 25.96	\$ 18.44	\$ 27.00	\$ 18.99	\$ 27.81
	mo	\$3,073.61	\$4,499.60	\$ 3,196.55	\$ 4,679.59	\$3,292.45	\$ 4,819.97
Parks Maintenance Worker 55	hr	\$ 18.18	\$ 26.61	\$ 18.90	\$ 27.67	\$ 19.47	\$ 28.50
	mo	\$3,150.45	\$4,612.09	\$ 3,276.47	\$ 4,796.58	\$3,374.76	\$ 4,940.47

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2021 THRU SEPTEMBER 30, 2024

			4.0% Increase EFFECTIVE 10/1/2021		4.0% Increase EFFECTIVE 10/1/2022		3.0% Increase EFFECTIVE 10/1/2023	
			Min	Max	Min	Max	Min	Max
Facility Maint. Mechanic, Landfill Operator,	56	hr	\$ 18.63	\$ 27.27	\$ 19.38	\$ 28.36	\$ 19.96	\$ 29.22
Maint Worker II, Accounting Assistance I		mo	\$ 3,229.21	\$ 4,727.40	\$ 3,358.38	\$ 4,916.49	\$ 3,459.13	\$ 5,063.99
Police Info & Systems Coord.								
	57	hr	\$ 19.10	\$ 27.96	\$ 19.86	\$ 29.07	\$ 20.46	\$ 29.95
		mo	\$ 3,309.94	\$ 4,845.58	\$ 3,442.34	\$ 5,039.40	\$ 3,545.61	\$ 5,190.59
	58	hr	\$ 19.57	\$ 28.65	\$ 20.36	\$ 29.80	\$ 20.97	\$ 30.69
		mo	\$ 3,392.69	\$ 4,966.72	\$ 3,528.40	\$ 5,165.39	\$ 3,634.25	\$ 5,320.35
Maint Worker III, Storekeeper, Util Serviceman,	59	hr	\$ 20.06	\$ 29.37	\$ 20.87	\$ 30.55	\$ 21.49	\$ 31.46
Util Maint Worker I, Wastewater Plant Operator		mo	\$ 3,477.51	\$ 5,090.89	\$ 3,616.61	\$ 5,294.52	\$ 3,725.11	\$ 5,453.36
	60	hr	\$ 20.56	\$ 30.10	\$ 21.39	\$ 31.31	\$ 22.03	\$ 32.25
		mo	\$ 3,564.45	\$ 5,218.16	\$ 3,707.02	\$ 5,426.89	\$ 3,818.23	\$ 5,589.69
Engineering Technician, Landfill Supervisor	61	hr	\$ 21.08	\$ 30.86	\$ 21.92	\$ 32.09	\$ 22.58	\$ 33.05
		mo	\$ 3,653.56	\$ 5,348.61	\$ 3,799.70	\$ 5,562.56	\$ 3,913.69	\$ 5,729.43
Tech & Info Services Librarian, Librarian I	62	hr	\$ 21.61	\$ 31.63	\$ 22.47	\$ 32.89	\$ 23.14	\$ 33.88
Maint Mechanic/Pump Op		mo	\$ 3,744.90	\$ 5,482.33	\$ 3,894.69	\$ 5,701.62	\$ 4,011.53	\$ 5,872.67
	63	hr	\$ 22.15	\$ 32.42	\$ 23.03	\$ 33.72	\$ 23.72	\$ 34.73
		mo	\$ 3,838.52	\$ 5,619.39	\$ 3,992.06	\$ 5,844.16	\$ 4,111.82	\$ 6,019.49
Maint Worker IV,	64	hr	\$ 22.70	\$ 33.23	\$ 23.61	\$ 34.56	\$ 24.32	\$ 35.60
Surveyor/Engineering Tech, Util Maint Worker II		mo	\$ 3,934.48	\$ 5,759.87	\$ 4,091.86	\$ 5,990.27	\$ 4,214.62	\$ 6,169.97
Apprentice Lineman	65	hr	\$ 23.27	\$ 34.06	\$ 24.20	\$ 35.42	\$ 24.92	\$ 36.49
		mo	\$ 4,032.84	\$ 5,903.87	\$ 4,194.16	\$ 6,140.02	\$ 4,319.98	\$ 6,324.22
Water Quality Technician	66	hr	\$ 23.85	\$ 34.91	\$ 24.80	\$ 36.31	\$ 25.55	\$ 37.40
		mo	\$ 4,133.66	\$ 6,051.47	\$ 4,299.01	\$ 6,293.52	\$ 4,427.98	\$ 6,482.33
WPC Chief Plant Operator, Working Foreman	67	hr	\$ 24.44	\$ 35.79	\$ 25.42	\$ 37.22	\$ 26.18	\$ 38.33
Utility MW III		mo	\$ 4,237.01	\$ 6,202.75	\$ 4,406.49	\$ 6,450.86	\$ 4,538.68	\$ 6,644.39
Programmer/Analyst	68	hr	\$ 25.06	\$ 36.68	\$ 26.06	\$ 38.15	\$ 26.84	\$ 39.29
		mo	\$ 4,342.93	\$ 6,357.82	\$ 4,516.65	\$ 6,612.13	\$ 4,652.15	\$ 6,810.50
Electronic Technican	69	hr	\$ 25.68	\$ 37.60	\$ 26.71	\$ 39.10	\$ 27.51	\$ 40.27
		mo	\$ 4,451.50	\$ 6,516.77	\$ 4,629.56	\$ 6,777.44	\$ 4,768.45	\$ 6,980.76
	70	hr	\$ 26.32	\$ 38.54	\$ 27.38	\$ 40.08	\$ 28.20	\$ 41.28
		mo	\$ 4,562.79	\$ 6,679.69	\$ 4,745.30	\$ 6,946.87	\$ 4,887.66	\$ 7,155.28
	71	hr	\$ 26.98	\$ 39.50	\$ 28.06	\$ 41.08	\$ 28.90	\$ 42.31
		mo	\$ 4,676.86	\$ 6,846.68	\$ 4,863.94	\$ 7,120.54	\$ 5,009.85	\$ 7,334.16
	72	hr	\$ 27.66	\$ 40.49	\$ 28.76	\$ 42.11	\$ 29.63	\$ 43.37
		mo	\$ 4,793.78	\$ 7,017.84	\$ 4,985.53	\$ 7,298.56	\$ 5,135.10	\$ 7,517.52
Journeyman Lineman	73	hr	\$ 28.35	\$ 41.50	\$ 29.48	\$ 43.16	\$ 30.37	\$ 44.45
		mo	\$ 4,913.63	\$ 7,193.29	\$ 5,110.17	\$ 7,481.02	\$ 5,263.48	\$ 7,705.45

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2021 THRU SEPTEMBER 30, 2024

		4.0% Increase EFFECTIVE 10/1/2021		4.0% Increase EFFECTIVE 10/1/2022		3.0% Increase EFFECTIVE 10/1/2023		
		Min	Max	Min	Max	Min	Max	
<i>Electronic Systems Analyst</i>	74	hr	\$ 29.06	\$ 42.54	\$ 30.22	\$ 44.24	\$ 31.13	\$ 45.57
		mo	\$5,036.47	\$7,373.12	\$ 5,237.93	\$ 7,668.05	\$5,395.06	\$ 7,898.09
	75	hr	\$ 29.78	\$ 43.60	\$ 30.97	\$ 45.34	\$ 31.90	\$ 46.71
		mo	\$5,162.38	\$7,557.45	\$ 5,368.87	\$ 7,859.75	\$5,529.94	\$ 8,095.54
<i>Elect Distribution/Transmission Foreman</i>	76	hr	\$ 30.53	\$ 44.69	\$ 31.75	\$ 46.48	\$ 32.70	\$ 47.87
		mo	\$5,291.44	\$7,746.39	\$ 5,503.10	\$ 8,056.24	\$5,668.19	\$ 8,297.93
	77	hr	\$ 31.29	\$ 45.81	\$ 32.54	\$ 47.64	\$ 33.52	\$ 49.07
		mo	\$5,423.72	\$7,940.05	\$ 5,640.67	\$ 8,257.65	\$5,809.89	\$ 8,505.38
	78	hr	\$ 32.07	\$ 46.95	\$ 33.36	\$ 48.83	\$ 34.36	\$ 50.30
		mo	\$5,559.32	\$8,138.55	\$ 5,781.69	\$ 8,464.09	\$5,955.14	\$ 8,718.01
	79	hr	\$ 32.87	\$ 48.13	\$ 34.19	\$ 50.05	\$ 35.22	\$ 51.55
		mo	\$5,698.30	\$8,342.01	\$ 5,926.23	\$ 8,675.69	\$6,104.02	\$ 8,935.96
	80	hr	\$ 33.70	\$ 49.33	\$ 35.04	\$ 51.30	\$ 36.10	\$ 52.84
		mo	\$5,840.76	\$8,550.56	\$ 6,074.39	\$ 8,892.58	\$6,256.62	\$ 9,159.36
<i>Electrical Engineer</i>	81	hr	\$ 34.54	\$ 50.56	\$ 35.92	\$ 52.59	\$ 37.00	\$ 54.16
		mo	\$5,986.78	\$8,764.33	\$ 6,226.25	\$ 9,114.90	\$6,413.04	\$ 9,388.35
	82	hr	\$ 35.40	\$ 51.83	\$ 36.82	\$ 53.90	\$ 37.92	\$ 55.52
		mo	\$6,136.45	\$8,983.43	\$ 6,381.90	\$ 9,342.77	\$6,573.36	\$ 9,623.05
	83	hr	\$ 36.29	\$ 53.12	\$ 37.74	\$ 55.25	\$ 38.87	\$ 56.91
		mo	\$6,289.86	\$9,208.02	\$ 6,541.45	\$ 9,576.34	\$6,737.70	\$ 9,863.63
	84	hr	\$ 37.19	\$ 54.45	\$ 38.68	\$ 56.63	\$ 39.84	\$ 58.33
		mo	\$6,447.10	\$9,438.22	\$ 6,704.99	\$ 9,815.75	\$6,906.14	\$ 10,110.22
	85	hr	\$ 38.12	\$ 55.81	\$ 39.65	\$ 58.05	\$ 40.84	\$ 59.79
		mo	\$6,608.28	\$9,674.18	\$ 6,872.61	\$ 10,061.14	\$7,078.79	\$ 10,362.98

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2024 THRU SEPTEMBER 30, 2027

		2.5% Increase EFFECTIVE 10/1/2024		2.5% Increase EFFECTIVE 10/1/2025		2.0% Increase EFFECTIVE 10/1/2026	
		Min	Max	Min	Max	Min	Max
37	hr	\$ 12.83	\$ 18.78	\$ 13.15	\$ 19.25	\$ 13.41	\$ 19.63
	mo	\$2,222.67	\$ 3,253.87	\$ 2,278.23	\$ 3,335.21	\$2,323.80	\$ 3,401.92
38	hr	\$ 13.14	\$ 19.23	\$ 13.47	\$ 19.71	\$ 13.74	\$ 20.11
	mo	\$2,277.13	\$ 3,333.60	\$ 2,334.06	\$ 3,416.94	\$2,380.74	\$ 3,485.28
39	hr	\$ 13.46	\$ 19.71	\$ 13.80	\$ 20.20	\$ 14.08	\$ 20.61
	mo	\$2,333.68	\$ 3,416.38	\$ 2,392.02	\$ 3,501.79	\$2,439.86	\$ 3,571.82
40	hr	\$ 13.80	\$ 20.21	\$ 14.15	\$ 20.71	\$ 14.43	\$ 21.13
	mo	\$2,392.79	\$ 3,502.92	\$ 2,452.61	\$ 3,590.49	\$2,501.66	\$ 3,662.30
41	hr	\$ 14.15	\$ 20.71	\$ 14.50	\$ 21.23	\$ 14.79	\$ 21.65
	mo	\$2,451.90	\$ 3,589.46	\$ 2,513.20	\$ 3,679.19	\$2,563.46	\$ 3,752.78
42	hr	\$ 14.49	\$ 21.21	\$ 14.85	\$ 21.74	\$ 15.15	\$ 22.17
	mo	\$2,511.02	\$ 3,675.99	\$ 2,573.79	\$ 3,767.89	\$2,625.27	\$ 3,843.25
43	hr	\$ 14.84	\$ 21.73	\$ 15.21	\$ 22.27	\$ 15.52	\$ 22.72
	mo	\$2,572.70	\$ 3,766.30	\$ 2,637.02	\$ 3,860.45	\$2,689.76	\$ 3,937.66
44	hr	\$ 15.21	\$ 22.27	\$ 15.59	\$ 22.82	\$ 15.90	\$ 23.28
	mo	\$2,636.36	\$ 3,859.49	\$ 2,702.27	\$ 3,955.98	\$2,756.31	\$ 4,035.10
45	hr	\$ 15.59	\$ 22.82	\$ 15.98	\$ 23.39	\$ 16.30	\$ 23.86
	mo	\$2,702.27	\$ 3,955.98	\$ 2,769.82	\$ 4,054.88	\$2,825.22	\$ 4,135.97
46 <i>Facility Maintenance Worker</i>	hr	\$ 15.98	\$ 23.39	\$ 16.38	\$ 23.98	\$ 16.71	\$ 24.46
	mo	\$2,769.82	\$ 4,054.88	\$ 2,839.07	\$ 4,156.25	\$2,895.85	\$ 4,239.37
47	hr	\$ 16.38	\$ 23.98	\$ 16.79	\$ 24.58	\$ 17.12	\$ 25.07
	mo	\$2,839.07	\$ 4,156.25	\$ 2,910.05	\$ 4,260.16	\$2,968.25	\$ 4,345.36
48	hr	\$ 16.79	\$ 24.58	\$ 17.21	\$ 25.19	\$ 17.55	\$ 25.70
	mo	\$2,910.05	\$ 4,260.16	\$ 2,982.80	\$ 4,366.66	\$3,042.45	\$ 4,453.99
49	hr	\$ 17.21	\$ 25.19	\$ 17.64	\$ 25.82	\$ 17.99	\$ 26.34
	mo	\$2,982.80	\$ 4,366.66	\$ 3,057.37	\$ 4,475.83	\$3,118.52	\$ 4,565.34
50 <i>Admin Assistant, Ambulance Billing Clerk Utility Billing Clerk</i>	hr	\$ 17.64	\$ 25.82	\$ 18.08	\$ 26.47	\$ 18.44	\$ 27.00
	mo	\$3,057.37	\$ 4,475.83	\$ 3,133.80	\$ 4,587.72	\$3,196.48	\$ 4,679.48
51 <i>Victim Assistant Coordinator</i>	hr	\$ 18.08	\$ 26.47	\$ 18.53	\$ 27.13	\$ 18.90	\$ 27.67
	mo	\$3,133.80	\$ 4,587.72	\$ 3,212.15	\$ 4,702.41	\$3,276.39	\$ 4,796.46
52 <i>Accounting Clerk, Code Compliance Officer</i>	hr	\$ 18.53	\$ 27.13	\$ 18.99	\$ 27.81	\$ 19.37	\$ 28.36
	mo	\$3,212.15	\$ 4,702.41	\$ 3,292.45	\$ 4,819.97	\$3,358.30	\$ 4,916.37
53 <i>Maintenance Worker I</i>	hr	\$ 18.99	\$ 27.81	\$ 19.47	\$ 28.50	\$ 19.86	\$ 29.07
	mo	\$3,292.45	\$ 4,819.97	\$ 3,374.76	\$ 4,940.47	\$3,442.26	\$ 5,039.28
54	hr	\$ 19.47	\$ 28.50	\$ 19.96	\$ 29.22	\$ 20.36	\$ 29.80
	mo	\$3,374.76	\$ 4,940.47	\$ 3,459.13	\$ 5,063.99	\$3,528.31	\$ 5,165.27
55 <i>Parks Maintenance Worker</i>	hr	\$ 19.96	\$ 29.22	\$ 20.46	\$ 29.95	\$ 20.86	\$ 30.54
	mo	\$3,459.13	\$ 5,063.99	\$ 3,545.61	\$ 5,190.59	\$3,616.52	\$ 5,294.40

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2024 THRU SEPTEMBER 30, 2027

		2.5% Increase EFFECTIVE 10/1/2024		2.5% Increase EFFECTIVE 10/1/2025		2.0% Increase EFFECTIVE 10/1/2026		
		Min	Max	Min	Max	Min	Max	
Facility Maint. Mechanic, Landfill Operator,	56	hr	\$ 20.46	\$ 29.95	\$ 20.97	\$ 30.69	\$ 21.39	\$ 31.31
Maint Worker II, Accounting Assistant I		mo	\$3,545.61	\$ 5,190.59	\$ 3,634.25	\$ 5,320.35	\$3,706.93	\$ 5,426.76
Police Info & Systems Coord.								
	57	hr	\$ 20.97	\$ 30.69	\$ 21.49	\$ 31.46	\$ 21.92	\$ 32.09
		mo	\$3,634.25	\$ 5,320.35	\$ 3,725.11	\$ 5,453.36	\$3,799.61	\$ 5,562.43
	58	hr	\$ 21.49	\$ 31.46	\$ 22.03	\$ 32.25	\$ 22.47	\$ 32.89
		mo	\$3,725.11	\$ 5,453.36	\$ 3,818.23	\$ 5,589.69	\$3,894.60	\$ 5,701.49
Maint Worker III, Storekeeper, Util Serviceman,	59	hr	\$ 22.03	\$ 32.25	\$ 22.58	\$ 33.05	\$ 23.03	\$ 33.72
Util Maint Worker I, Wastewater Plant Operator		mo	\$3,818.23	\$ 5,589.69	\$ 3,913.69	\$ 5,729.43	\$3,991.96	\$ 5,844.02
	60	hr	\$ 22.58	\$ 33.05	\$ 23.14	\$ 33.88	\$ 23.61	\$ 34.56
		mo	\$3,913.69	\$ 5,729.43	\$ 4,011.53	\$ 5,872.67	\$4,091.76	\$ 5,990.12
Engineering Technician, Landfill Supervisor	61	hr	\$ 23.14	\$ 33.88	\$ 23.72	\$ 34.73	\$ 24.20	\$ 35.42
		mo	\$4,011.53	\$ 5,872.67	\$ 4,111.82	\$ 6,019.49	\$4,194.06	\$ 6,139.88
Tech & Info Services Librarian, Librarian I	62	hr	\$ 23.72	\$ 34.73	\$ 24.32	\$ 35.60	\$ 24.80	\$ 36.31
Maint Mechanic/Pump Op		mo	\$4,111.82	\$ 6,019.49	\$ 4,214.62	\$ 6,169.97	\$4,298.91	\$ 6,293.37
	63	hr	\$ 24.32	\$ 35.60	\$ 24.92	\$ 36.49	\$ 25.42	\$ 37.22
		mo	\$4,214.62	\$ 6,169.97	\$ 4,319.98	\$ 6,324.22	\$4,406.38	\$ 6,450.71
Maint Worker IV,	64	hr	\$ 24.92	\$ 36.49	\$ 25.55	\$ 37.40	\$ 26.06	\$ 38.15
Surveyor/Engineering Tech, Util Maint Worker II		mo	\$4,319.98	\$ 6,324.22	\$ 4,427.98	\$ 6,482.33	\$4,516.54	\$ 6,611.98
Apprentice Lineman	65	hr	\$ 25.55	\$ 37.40	\$ 26.18	\$ 38.33	\$ 26.71	\$ 39.10
		mo	\$4,427.98	\$ 6,482.33	\$ 4,538.68	\$ 6,644.39	\$4,629.45	\$ 6,777.28
Water Quality Technician	66	hr	\$ 26.18	\$ 38.33	\$ 26.84	\$ 39.29	\$ 27.38	\$ 40.08
		mo	\$4,538.68	\$ 6,644.39	\$ 4,652.15	\$ 6,810.50	\$4,745.19	\$ 6,946.71
WPC Chief Plant Operator, Working Foreman	67	hr	\$ 26.84	\$ 39.29	\$ 27.51	\$ 40.27	\$ 28.06	\$ 41.08
Utility MW III		mo	\$4,652.15	\$ 6,810.50	\$ 4,768.45	\$ 6,980.76	\$4,863.82	\$ 7,120.38
Programmer/Analyst	68	hr	\$ 27.51	\$ 40.27	\$ 28.20	\$ 41.28	\$ 28.76	\$ 42.11
		mo	\$4,768.45	\$ 6,980.76	\$ 4,887.66	\$ 7,155.28	\$4,985.41	\$ 7,298.38
Electronic Technican	69	hr	\$ 28.20	\$ 41.28	\$ 28.90	\$ 42.31	\$ 29.48	\$ 43.16
		mo	\$4,887.66	\$ 7,155.28	\$ 5,009.85	\$ 7,334.16	\$5,110.05	\$ 7,480.84
	70	hr	\$ 28.90	\$ 42.31	\$ 29.63	\$ 43.37	\$ 30.22	\$ 44.24
		mo	\$5,009.85	\$ 7,334.16	\$ 5,135.10	\$ 7,517.52	\$5,237.80	\$ 7,667.87
	71	hr	\$ 29.63	\$ 43.37	\$ 30.37	\$ 44.45	\$ 30.97	\$ 45.34
		mo	\$5,135.10	\$ 7,517.52	\$ 5,263.48	\$ 7,705.45	\$5,368.75	\$ 7,859.56
	72	hr	\$ 30.37	\$ 44.45	\$ 31.13	\$ 45.57	\$ 31.75	\$ 46.48
		mo	\$5,263.48	\$ 7,705.45	\$ 5,395.06	\$ 7,898.09	\$5,502.97	\$ 8,056.05
Journeyman Lineman	73	hr	\$ 31.13	\$ 45.57	\$ 31.90	\$ 46.71	\$ 32.54	\$ 47.64
		mo	\$5,395.06	\$ 7,898.09	\$ 5,529.94	\$ 8,095.54	\$5,640.54	\$ 8,257.45

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APPENDIX B- CITY OF BEATRICE- IBEW SALARY SCHEDULE OCTOBER 1, 2024 THRU SEPTEMBER 30, 2027

		2.5% Increase EFFECTIVE 10/1/2024		2.5% Increase EFFECTIVE 10/1/2025		2.0% Increase EFFECTIVE 10/1/2026		
		Min	Max	Min	Max	Min	Max	
<i>Electronic Systems Analyst</i>	74	hr	\$ 31.90	\$ 46.71	\$ 32.70	\$ 47.87	\$ 33.36	\$ 48.83
		mo	\$ 5,529.94	\$ 8,095.54	\$ 5,668.19	\$ 8,297.93	\$ 5,781.55	\$ 8,463.89
	75	hr	\$ 32.70	\$ 47.87	\$ 33.52	\$ 49.07	\$ 34.19	\$ 50.05
		mo	\$ 5,668.19	\$ 8,297.93	\$ 5,809.89	\$ 8,505.38	\$ 5,926.09	\$ 8,675.49
<i>Elect Distribution/Transmission Foreman</i>	76	hr	\$ 33.52	\$ 49.07	\$ 34.36	\$ 50.30	\$ 35.04	\$ 51.30
		mo	\$ 5,809.89	\$ 8,505.38	\$ 5,955.14	\$ 8,718.01	\$ 6,074.24	\$ 8,892.37
	77	hr	\$ 34.36	\$ 50.30	\$ 35.22	\$ 51.55	\$ 35.92	\$ 52.58
		mo	\$ 5,955.14	\$ 8,718.01	\$ 6,104.02	\$ 8,935.96	\$ 6,226.10	\$ 9,114.68
	78	hr	\$ 35.22	\$ 51.55	\$ 36.10	\$ 52.84	\$ 36.82	\$ 53.90
		mo	\$ 6,104.02	\$ 8,935.96	\$ 6,256.62	\$ 9,159.36	\$ 6,381.75	\$ 9,342.55
	79	hr	\$ 36.10	\$ 52.84	\$ 37.00	\$ 54.16	\$ 37.74	\$ 55.25
		mo	\$ 6,256.62	\$ 9,159.36	\$ 6,413.04	\$ 9,388.35	\$ 6,541.30	\$ 9,576.11
	80	hr	\$ 37.00	\$ 54.16	\$ 37.92	\$ 55.52	\$ 38.68	\$ 56.63
		mo	\$ 6,413.04	\$ 9,388.35	\$ 6,573.36	\$ 9,623.05	\$ 6,704.83	\$ 9,815.52
<i>Electrical Engineer</i>	81	hr	\$ 37.92	\$ 55.52	\$ 38.87	\$ 56.91	\$ 39.65	\$ 58.04
		mo	\$ 6,573.36	\$ 9,623.05	\$ 6,737.70	\$ 9,863.63	\$ 6,872.45	\$ 10,060.90
	82	hr	\$ 38.87	\$ 56.91	\$ 39.84	\$ 58.33	\$ 40.64	\$ 59.49
		mo	\$ 6,737.70	\$ 9,863.63	\$ 6,906.14	\$ 10,110.22	\$ 7,044.26	\$ 10,312.43
	83	hr	\$ 39.84	\$ 58.33	\$ 40.84	\$ 59.79	\$ 41.66	\$ 60.98
		mo	\$ 6,906.14	\$ 10,110.22	\$ 7,078.79	\$ 10,362.98	\$ 7,220.37	\$ 10,570.24
	84	hr	\$ 40.84	\$ 59.79	\$ 41.86	\$ 61.28	\$ 42.70	\$ 62.51
		mo	\$ 7,078.79	\$ 10,362.98	\$ 7,255.76	\$ 10,622.05	\$ 7,400.88	\$ 10,834.49
	85	hr	\$ 41.86	\$ 61.28	\$ 42.91	\$ 62.81	\$ 43.76	\$ 64.07
		mo	\$ 7,255.76	\$ 10,622.05	\$ 7,437.16	\$ 10,887.60	\$ 7,585.90	\$ 11,105.36

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APPENDIX C - HEALTH INSURANCE BENEFIT SUMMARY

Summary of Covered Benefits	Plan A		Plan B		Plan C - HDHP	
	In-Network	Out-of-Network	In-Network	Out-of-Network	In-Network	Out-of-Network
Annual Deductible	Calendar Year		Calendar Year		Calendar Year	
Plan Year or Calendar Year						
Individual	\$500	\$500	\$1,000	\$1,000	\$1,500	\$1,500
Family	\$1,000	\$1,000	\$2,000	\$2,000	\$3,000	\$3,000
Out-of-pocket Maximum	Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx copays and coinsurance		Includes Deductible, Medical & Rx coinsurance	
Individual	\$1,500	\$1,500	\$2,500	\$2,500	\$3,100	\$3,100
Family	\$3,000	\$3,000	\$5,000	\$5,000	\$6,200	\$6,200
Physician Services						
PCP / Specialist	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Chiro	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year	20% after ded. 24 visit max per year	30% after ded. 24 visit max per year
Preventive Care						
Adult	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Child	Covered 100%	30% after ded.	Covered 100%	30% after ded.	Covered 100%	30% after ded.
Urgent Care	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Hospital Services						
Inpatient	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Outpatient/Ambulatory Surgery	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Emergency Room	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Lab/X-Ray						
Diagnostic Lab / X-ray	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
High Tech Services (MRI, CT scans, etc.)	20% after ded.	30% after ded.	20% after ded.	30% after ded.	20% after ded.	30% after ded.
Prescriptions (30 days)	RX PLAN A		RX PLAN A			
Tier 1	20% (minimum \$5 copay)	Same as In-network	20% (minimum \$5 copay)	Same as In-network		
Tier 2	20% (minimum \$35 copay)		20% (minimum \$35 copay)			
Tier 3	20% (minimum \$35 copay)		20% (minimum \$35 copay)			
Tier 4	Injectables only 20% (minimum \$70 copay)		Injectables only 20% (minimum \$70 copay)			
Mail Order (90 days)	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network	20% + T1-\$15 min., T2-\$70 min., T3-\$70 min. T4-\$210 min.	Same as In-network		
Prescriptions (30 days)	RX PLAN B		RX PLAN B		RX PLAN B	
Tier 1	20% after ded.	Same as In-network	20% after ded.	Same as In-network	20% after ded.	Same as In-network
Tier 2	20% after ded.		20% after ded.		20% after ded.	
Tier 3	20% after ded.		20% after ded.		20% after ded.	
Tier 4	Injectables only 30% after ded.		Injectables only 30% after ded.		N/A	
Mail Order (90 days)	20% after ded.	20% after ded.	20% after ded.	20% after ded.	20% after ded.	Same as In-network
No Accident Benefit No Deductible Rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Specialty Rx		No Accident Benefit No deductible rollover Member is responsible for copay plus cost difference if a generic is available Step Therapy Mandatory Specialty Rx		Step Therapy Mandatory Specialty Rx		

Employee Cost

Plan A	
Employee	\$50/month
Employee & Spouse	\$105/month
Employee & Children	\$98/month
Family	\$160/month

Plan B	
Employee	no charge
Family	no charge

Plan C	
Employee	no charge
Family	no charge

Employer HSA Contribution for Plan C: \$500/Single \$1,000/Family
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5-4-2022

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