

Policy Change Suggestions for Council Review July 2025 Work Session Human Resources

Recommended Policy Change: Vacation Carry Over

Impact on General Employees, Police Management, and Fire Management

Effective until December 31, 2025: Accumulated vacation shall not exceed 400 hours at the calendar year's end. Any unused vacation leave over 400 hours shall be forfeited at midnight on December 31 of each year. There will be no payoffs for those excess hours at the end of the calendar year.

Effective January 1, 2026: Accumulated vacation shall not exceed 400 hours at the fiscal year's end. Any unused vacation leave over 400 hours shall be forfeited at midnight on **September** 30 of each year. There will be no payoffs for those excess hours at the end of the calendar year.

Other Employee Groups:

Police Union Employees (benefit defined in CBA)

Accumulated vacation shall not exceed 400 hours at the calendar year's end. Any unused vacation leave over 400 hours shall be forfeited at midnight on December 31 of each year. There will be no payoffs for those excess hours at the end of the calendar year.

Fire Union Employees (benefit defined in CBA)

Maximum vacation accumulation at the end of any calendar year cannot exceed:

- 400 for day personnel
- 600 for firefighting line personnel

Recommended Policy Adoption: THE PUMP ACT (Providing Urgent Maternal Protections for Nursing Mothers Act)/Lactation Breaks

Impact on General Employees, Police Employees, Police Management, and Fire Management

The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Supervisors aren't allowed to prohibit employees to use break time for breastfeeding and pumping/expressing milk.

Length of PUMP/Lactation Break

The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law.

Per City policy all employees scheduled to work four or more continuous hours may utilize their rest period of up to 15 minutes during each four continuous hours for pumping. Employees need to notify their supervisor or department head or supervisor that they are utilizing a lactation break, so they are not interrupted during their break.

If an employee needs more than one 15-minute paid rest break, the additional breaks will be unpaid. If an employee needs more than the standard paid 15 minutes they can take additional unpaid time concurrently with the paid time. Additional unpaid breaks can occur when necessary.

Employees can utilize their unpaid meal break for lactation needs as well.

PUMP/Lactation Break Space

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable.

At minimum the lactation space will be separate from bathrooms and meeting rooms, and shielded from view by the public and coworkers. It will be equipped with comfortable chairs, electric plugs and a table. The room will be cleaned and sanitized regularly. Additionally, the room will lock from the inside.

Access to Refrigeration

A small refrigerator reserved for the specific storage of breast milk will be made available. It is recommended that any breast milk stored in the refrigerator must be labeled with the name of the employee. Any nonconforming products stored in the

refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering.

FLSA Source Data:

<https://www.dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers>

Please consult the Human Resources Department if you have questions regarding this policy. Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

Current Policy to be Replaced:

Lactation Breaks

The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law. Please consult the Human Resources Department if you have questions regarding this policy. Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

Recommended Policy Adoption: Pregnant Workers Fairness Act (PWFA)

Impact on General Employees, Police Employees, Police Management, and Fire Management

The Pregnant Workers Fairness Act (PWFA) law requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, including postpartum and pumping workers, unless the accommodation will cause the employer an "undue hardship." The Pregnant Workers Fairness Act (PWFA) was signed into law on December 29, 2022, and it went into effect on June 27, 2023. The EEOC issued a final rule to implement the PWFA on April 15, 2024, which went into effect on June 18, 2024.

The PWFA applies only to accommodations. Existing laws that the EEOC enforces make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are more protective of workers affected by pregnancy, childbirth, or related medical conditions.

Accordingly, the City will provide "reasonable accommodations" to a qualified employee with a known limitation related to pregnancy, childbirth, or related medical conditions, absent an "undue hardship." The PWFA does not specify length of coverage or an entitlement amount. The PWFA covers employees with known limitations related to pregnancy, childbirth, or related medical conditions with no specified end-date as this will differ per employee. The interactive process will determine what type of accommodation and for how long the employee will need it.

Qualified Individuals

Employees can seek reasonable accommodations for limitations and pregnancy, childbirth, or related medical conditions that include, without limitation, the following examples:

- Current, past, and potential pregnancy
- Lactation (including breastfeeding and pumping)
- Use of contraception
- Menstruation
- Infertility and fertility treatments, endometriosis
- Miscarriage, stillbirth, or having or choosing not to have an abortion.
- Existing conditions exacerbated by pregnancy.

An employee may request an accommodation to enable them to perform the essential functions of their current position or to accommodate a disability to enable the employee to enjoy the benefits and privileges extended to all employees.

PWFA Accommodations Review

If an employee is unable to perform the essential functions of their position, the employee may submit a Request for Accommodation form to the appointing authority with supporting documentation.

The Request for Accommodation form along with supporting medical documentation will be reviewed by Human Resources.

When it has been determined that an employee is qualified under the PWFA, the Human Resources Department will direct the employee's department or division concerning the accommodation to be provided.

Under the PWFA, an employee who cannot do one or more essential functions of a job will also be considered qualified if:

- Any inability to perform an essential function is for a temporary period.
- The essential function could be performed in the near future; and
- The inability to perform the essential function can be reasonably accommodated.

Examples of Reasonable Accommodations:

- Flexible breaks
- Changing food or drink policies in safe working environments
- Changing work locations or equipment
- Changing the dress code
- Flexible workstation
- Telework
- Temporary Reassignment
- Leave for appointments with health care professionals
- Light duty
- Leave to recover from childbirth

Under the PWFA, the City cannot do the following:

- Require an employee to accept accommodation without a discussion regarding the accommodation between the employee and City;
- Deny a position or other employment opportunities to a qualified employee or applicant for employment based on the person's need for a reasonable accommodation;
- Require an employee to take leave if another reasonable accommodation can be provided that would permit an employee to keep working;
- Retaliate against an individual for reporting or opposing unlawful discrimination under the PWFA or participating in a PWFA proceeding (e.g., investigation); or
- Interfere with any individual's rights under the PWFA.
- If the employee has a right under other laws such as FMLA, there may be no need for a reasonable accommodation. As required by the federal Pregnant Workers Fairness Act (PWFA), the City will provide reasonable accommodations to employees and applicants

with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City's operations.

PWFA Interaction with ADA

Similarities	Distinctions
The employer must engage in the interactive process with the employee.	The PWFA covers temporary, minor, and episodic physical and mental conditions.
Employees are also responsible for engaging in the interactive process.	There is no requirement that conditions rise to a specific severity threshold.
Covered employers must provide reasonable accommodations	The PWFA does not require an employee to take paid or unpaid leave if another accommodation is available.
The accommodation cannot cause the employer undue hardship.	The EEOC expects the interactive process to be speedy, due to the temporary nature of pregnancy and related conditions.
	Employees or applicants can be qualified for a role even if they cannot perform one or more essential functions of the job, but could in the near future or with accommodation.

Recommended Policy Adoption: GPS (Global Positioning System) in City Vehicles

Impact to General Employees, Police Employee, Police Management, and Fire Management

To ensure the safety, accountability, and efficient use of company vehicles, the City of Pocatello may install and use GPS tracking systems on all or select City owned vehicles.

Policy Overview

1. Use of GPS Tracking Devices:

City vehicles may be equipped with GPS (Global Positioning System) or other geo-tracking technology to monitor location, travel routes, speed, etc.

2. Purpose of Tracking:

Tracking systems are used for legitimate business purposes, including but not limited to:

- Monitoring vehicle usage for productivity and route optimization
- Ensuring employee safety and the security of City assets
- Verifying timekeeping, travel logs, and job site attendance
- Investigating misuse or unauthorized activity

3. Employee Awareness & Consent:

By operating a City vehicle, employees acknowledge and consent to the monitoring.

4. No Expectation of Privacy:

There is no expectation of privacy while operating a company vehicle. All data collected may be reviewed by management.

Prohibited Behavior

5. Tampering or Disabling Equipment:

Employees may not disconnect, disable, or otherwise interfere with GPS equipment. Doing so may result in disciplinary action, up to and including termination.

6. Unauthorized Use of Company Vehicles:

City vehicles are for authorized City use only. Personal use is prohibited unless specifically approved. GPS data may be used to investigate potential misuse.

Data Privacy & Use

Data Access & Security: tracking data will be accessed only by authorized personnel and used solely for the purposes stated above. Data will be handled in accordance with IT standards.

Recommended Policy Change: Qualified Educational Assistance Reimbursement Program

Impact to General Employees, Police Employee, Police Management, and Fire Management

Employee Eligibility

All full-time and half-time employees who have been employed with the City of Pocatello for twelve (12) consecutive months prior to the commencement of the course are eligible for the reimbursement program.

Employees are only eligible for participation if they are degree seeking, and are working towards a degree level they do not already hold. For example, if an employee has a Bachelor's degree, the City will not provide assistance for another Bachelor's degree, but the employee would be eligible if they were seeking a Master's degree.

Program Eligibility

Courses that are required for an Associate degree, a Bachelor's degree, or an advanced degree are eligible under this program. These courses must be offered at an institution accredited by a body recognized by the Council on Higher Education Accreditation. To participate in the tuition reimbursement program, the following requirements must be met:

- Course attendance must occur outside employees' regular working hours.
- Course attendance must be voluntary.
- The course must not be directly related to the employees' current position requirements at the City.

The Fair Labor Standards Act regulation explains that a course would not be considered directly related to the employee's present position if it:

- Teaches an employee the skills required for another position
- Teaches a new skill that would not improve handling of the current position; or
- Upgrades the employee to a higher skill but is not intended to make the employee more efficient in the present position, even if the course may incidentally improve the employee's skills needed in the present position.

Ineligible Programs

Short-term training programs, seminars, workshops, conferences, conventions, certification programs do not meet the criteria for the City of Pocatello's tuition reimbursement program.

Budget Approval Process

1. All requests for education benefits must be submitted on the Education Assistance Reimbursement Program form, with attachment(s), to the employees Department Head no later than February 15.
2. Once completed form has been reviewed by the employees respective Department Head, the request will be sent to Human Resources by February 25 for review of eligibility.
3. Once funding has been approved during the budget cycle, Human Resources will notify the requesting employee and department head regarding funding availability.
4. After the course has been completed, reimbursement will only be processed after the employee has submitted an official transcript showing their grade, and a receipt of payment, and a school invoice indicating the cost of the tuition.

Funding

Requests for eligible reimbursement will be incorporated into budget presentations by department for presentation to City Council during the normal budget build cycle.

Departments will not be allotted budget dollars for Qualified Educational Assistance Reimbursement Programs unless there is a specific employee requesting the dollars. Any funds that are requested and not utilized will be available to another applicant. These funds will be tracked and payments authorized out of Human Resources.

Once funding has been approved during the budget cycle, Human Resources will notify the requesting employee and department head to the funding availability. The employee will then be able to utilize the funds with the start of the fiscal year.

Benefits

Full-time employees are eligible for a maximum of \$3,000 per fiscal year (October through September) toward the cost of tuition and required textbooks for undergraduate level courses. Full-time employees are eligible for a maximum of \$5,000 per fiscal year (October through September) toward the cost of tuition and required textbooks for graduate level courses. However, reimbursement cannot exceed \$5,250 per calendar year according to section 127 of the IRS tax code.

Half-time employees are eligible for a maximum of \$1,500 per fiscal year toward the cost of tuition and required textbooks for both undergraduate and graduate level courses.

Employees may supplement education benefits provided by the City through other funding sources only if there is no personal financial gain. These sources must be disclosed.

Application for Reimbursement

Eligible employees wishing to request education benefits must submit the Application for Education Benefits form with Department Head approval, to the Human Resources department. The Application for Education Benefits form is also required for reimbursement of textbooks if paid separately from tuition. Reimbursement will only be submitted after the employee has submitted an official transcript after the completion of the course. Reimbursement is only available for active employees and will not be paid to people who have voluntarily or involuntarily left city service. The only exception is the case of a layoff.

Eligible Expenses

Under the Qualified Educational Assistance Reimbursement Program, the following expenses are eligible for reimbursement:

- Tuition
- Registration
- Course Fees
- Course required books
- Required Lab fees

Ineligible Expenses

The following expenses are not eligible for reimbursement:

- Application Fees
- Testing Fees
- Optional Books
- Supplies
- Graduation Fees
- Computer Fees
- Course challenge testing
- Extracurricular programs
- Expenses for sports, games, hobbies or non-credit courses, except when the course or activity is part of the degree program

Reimbursement Criteria

Reimbursement is only available for active employees and will not be paid to individuals who have resigned employment or are terminated for cause during the course duration.

The only exception is the case of a layoff. Likewise, employees who withdraw, do not complete the approved course, or fail to achieve the grade requirements are not entitled to reimbursement.

Employees who voluntarily terminate employment, or are terminated for cause, during enrollment in the course are not eligible for any tuition reimbursement. Employees who leave City of Pocatello service within 12 months of course completion, will repay the previous 12 months of reimbursement to the City. The employee authorizes the City to deduct the reimbursed amount from the employee's final check or the employee may submit a cashier's check for the reimbursement owed back to the Human Resources Department.

Reimbursement Request Submission

Employee must submit their final course grade to Human Resources within 60 days of course completion. Failure to do so will result in a forfeiture of reimbursement.

- Grades of C or better, or a "Pass" in a Pass/Fail course are required for non-degree and undergraduate courses. Grades of a B or better are required for advanced degree courses. Failure to provide a final grade within 60 days of course completion, or failure to attain the required minimum grade, will result in a forfeiture of the right to submit for reimbursement. Employees must submit the following to Human Resources. An unofficial transcript from the applicable academic institution indicating that the employee received an acceptable grade.
- A copy of the school invoice indicating the cost of tuition, registration and course fees, and proof through a receipt, canceled check, or other document indicating the employee has paid the tuition, registration and course fees.
- Documentation showing required textbook(s) for course, and receipt(s) for textbook(s).

Use of Work Time

It is expected that educational activities will not interfere with the employee's performance and the City's business needs.

If a course is only available during the employee's scheduled working hours, the employee and his/her supervisor will attempt to rearrange the employee's schedule. If business needs permit, the employee may use accrued leave in accordance with the City's leave regulations.