



Lewiston City Council
AMENDED 9/28/2023
WORK SESSION AGENDA
October 2, 2023 - 3:00 PM
Bell Building – Second Floor Conference Room – 215 D Street
Lewiston, Idaho 83501

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's website at cityoflewiston.org.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS COMMENTS

This is an opportunity for citizens to address the Council on agenda items or other items they wish to bring to the attention of the Council. Citizens are encouraged to discuss operational issues in advance with the Mayor. In consideration of others wishing to speak, please limit your remarks to three minutes.

IV. PRESENTATIONS

- A. PROCLAMATION - FIRE PREVENTION WEEK:** Recognizing October 8 - 14, 2023, as Fire Prevention Week (Fire Marshal Sorrell)

V. DISCUSSION ITEMS

Please note that identifying an item as an "Action Item" does not require the City Council to vote on that item.

- A. MODIE PARK CONSERVANCY SUPPORT REQUEST:** A request for support from the City Council to proceed with accepting a land donation of approximately 19 acres from the Randall family who own property adjacent to the current Modie Park - Action Item (Phillip Shinn, Don Brigham)
- B. REQUEST FOR NO-BUILD EASEMENT:** Considering whether to review a request for a no-build easement from K & G Construction, LLC on City property - Action Item (Mayor Johnson)
- C. NORMAL HILL CEMETERY PRESENTATION:** Review and discussion of the finance and operations of the Normal Hill Cemetery - Action Item (Mayor Johnson)
- D. PERSONNEL POLICY:** Review and discussion of the City of Lewiston's Personnel Policy - Action Item (Council President Liedkie)
- E. SANITATION/RECYCLING DISCUSSION:** Overview and discussion on the City of Lewiston's sanitation and recycling services - Action Item (Public Works Director Johnson)

- F. **TRANSPORTATION PROJECT UPDATE**: Update on the 5th and Bryden Avenue and 21st Street transportation projects - Action Item (Public Works Director Johnson)
- G. **HISTORIC PRESERVATION PLAN**: Introduction to the Historic Preservation Plan for the City of Lewiston which will provide guidance in decisions regarding historic properties and future preservation priorities - Action Item (Engineering Project Supervisor Bailey)
- H. **COMMUNITY DRIVE RESERVOIR TANK LOGO**: Considering approval of the logo design for the Community Drive Reservoir tank - Action Item (Public Information Officer Maurer)
- I. **COMMUNITY DRIVE RESERVOIR TANK MEMORANDUM OF UNDERSTANDING**: Considering approval of the Community Drive Reservoir Tank Memorandum of Understanding between the City of Lewiston, Lewis-Clark State College and Independent School District No. 1 of Lewiston - Action Item (Public Information Officer Maurer)
- J. **REQUEST TO RE-OPEN PUBLIC HEARING FOR VA-02-2023**: Considering the applicant's request to re-open the public hearing to introduce additional testimony in VA-02-2023, regarding the proposed partial vacation of Bryden Avenue - Action Item (Mayor Johnson)

VI. UNFINISHED AND NEW BUSINESS

- A. **CITY COUNCILOR COMMENTS**: Comments shall not be related to an item currently before the City Council or an item that may come before the City Council in the foreseeable future, and shall be limited to comments, not discussion .
- B. **CITY BOARDS AND COMMISSIONS LIAISON UPDATES**
- C. **MAYOR COMMENTS**
- D. **AGENDA TOPICS**: - Action Item

VII. ADJOURNMENT - Action Item

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages qualified persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access provided at this meeting, please contact the City Clerk's Office at least forty-eight (48) hours in advance of the meeting at 208-746-3671, ext. 6202.

Proclamation

WHEREAS, the City of Lewiston is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the location where people are at greatest risk from fire; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, Lewiston's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2023 Fire Prevention Week™ theme - *"Cooking Safety starts with YOU. Pay attention to fire prevention™,"* - effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW THEREFORE, I Dan Johnson, Mayor of the City of Lewiston, Idaho, do hereby proclaim the week of October 8-14, 2023, as Fire Prevention Week, and I urge all the citizens of Lewiston to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of our community's fire and emergency services.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE CITY OF LEWISTON, IDAHO, TO BE AFFIXED HERETO THIS 2nd DAY OF OCTOBER 2023.

DANIEL G. JOHNSON, MAYOR
LEWISTON, IDAHO



September 18, 2023

Mayor Dan Johnson & Council Members
City of Lewiston
1134 F Street
Lewiston, Id. 83501

RE: Request to City of Lewiston for a 10'-0" wide no-build easement along property line between city parking lot and 625 D Street.

Dear Mayor Johnson & Council Members,

Kevin Messick, the property owner of 625 D Street & the owner of K&G Construction who occupies the building, would like to request the city grant a 10'-0" no-build easement on the adjacent city public parking lot to alleviate the requirement for fire rated wall construction and fire rated window openings in the west wall of the new office addition.

Due to the proximity of the exterior wall to the property line and the selected construction type for the building addition, the exterior wall of the office addition will be required to be 1 hour fire rated construction with fire rated openings that are restricted in size to 10-25% of the wall area.

Since the adjacent lot is used for public parking, Mr. Messick would like to see if the city is amenable to granting a 10'-0" no-build easement on the city parking lot property. The distance from the 10'-0" no-build easement line to the exterior wall of the office building would be from 11'-5" at the southwest building corner to 22'-6" at the northwest building corner. With this distance allowance and with no allowed construction in the easement, the exterior wall of the proposed office addition would not be required to be fire rated, the windows would not be required to be fire rated and allowable window opening area would be unlimited (IBC 705.8.1 Exception 2).

Thank you for your consideration of this request.

Sincerely,



Michell Radamaker, Principal



Kevin Messick
K&G Construction



SITE PLAN

1" = 20' — 0"

KGO-A1-SITE_CITY COUNCIL-PHOTO.DWG

PRELIMINARY ONLY - NOT FOR CONSTRUCTION

K&G CONSTRUCTION OFFICE ADDITION 625 D Street, Lewiston, Idaho	
	SITE PLAN

 CLEVER FOX ARCHITECTURE	

DRAWN BY: MR
 CHECKED BY: MR
 DATE: 9/18/2023
 JOB NO.: 23-03-20

REVISION DATE:

SHEET:
 1

City of Lewiston

Normal Hill Cemetery Master Plan

Final Master Plan Submitted to the City of Lewiston on December 14th, 2015

Submitted by:



LEES+Associates
Cemetery Planners

Submitted to:





E. Lees & Associates Consulting Ltd.

Cover Image: Montie Soderquist

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ACKNOWLEDGEMENTS

We would like to thank those who contributed to this master plan:

CITY OF LEWISTON

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Corky Fazio, Grounds Maintenance Supervisor

Mike Harwick, Facilities Maintenance Technician

Chad Hewett, Cemetery and Facilities Maintenance Technician

Linda Rape, Parks and Recreation Administrative Secretary

Riley Stark, Urban Forester

COMMUNITY PARTNERS

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Rhett Diessner, Cemetery/Urban Forestry Commission

Elizabeth Goetzinger, Cemetery/Urban Forestry Commission

Ed Marugg, Cemetery/Urban Forestry Commission

Maxine Miller, Cemetery/Urban Forestry Commission

Shirley Phillips, Cemetery/Urban Forestry Commission

Don Brown, Merchant Funeral Home

Jason Harwick, Malcom's Brower-Wann Funeral Home

Dennis Hastings, Vassar-Rawls Funeral Home

LEES+ASSOCIATES TEAM

Erik Lees, Principal, Project Leader

Eileen Finn Associate, Landscape Designer

Jennifer Thibert, Associate, Business Manager



City of Lewiston Normal Hill
Cemetery Master Plan
December 14, 2015



EXECUTIVE SUMMARY

The City of Lewiston (the City) commissioned LEES+Associates Landscape Architects and Cemetery Planners to prepare a master plan for the preservation and future development of Normal Hill Cemetery, the only city-operated cemetery in Lewiston, Idaho.

The purpose of this master plan is to guide the cemetery toward a model of long term-sustainability and ensure that the City of Lewiston will have the resources required to effectively meet the future interment and service needs of the community. This master plan charts a path forward to guide future development while ensuring effective cost recovery and quality perpetual care.

The key findings and recommendations proposed in this Cemetery Master Plan include:

DEMAND/NEEDS ANALYSIS FINDINGS

- The City population is growing steadily at a rate of 0.40% per year. Growth is expected to accelerate to a rate of 0.5% per year in the next 25 years;
- The City's average death rate is currently 12.4 deaths per 1000 population compared with the State average of 7.5 deaths per 1000 population;
- The State of Idaho cremation rate is currently 56%. The cremation rate for the City of Lewiston and Nez Perce County is currently 69% and is expected to increase to 90% in the next 25 years;
- Normal Hill Cemetery serves 39% of City of Lewiston families that choose casket interment and 21% of those choosing cremation;
- The Normal Hill Cemetery casket interment rate is below average while the cremation disposition rates are on par with the expected sector service rates from 2009 to 2014;
- In the next 25 years there is expected to be approximately:
 - 11,500 deaths in the City of Lewiston;
 - 1,500 in-ground casket burials and 9,300 cremations in the City of Lewiston;
 - 700 Lewiston residents interred outside the State of Idaho, and
 - 1,900 cremated remains and 600 caskets interred at Normal Hill Cemetery.
- At Normal Hill Cemetery:
 - All in-ground casket lots will be sold within 10 years;
 - All in-ground cremation lots will sold within 2 years;
 - Niches will meet demand for 25 years at the current low rate of use. This may be affected the quality of niches, which are below industry standard and have not historically been marketed (families are often unaware of options for above-ground interment), and
 - 2.15 acres of land is required to meet cemetery needs for the next 25 years.



DEMAND/NEEDS ANALYSIS RECOMMENDATIONS

- To ensure there is adequate burial space to serve community need for the next 25 years, it is recommended that the City:
 - Prioritize the development of additional cremation lot sites;
 - Pursue the reuse and resale of unclaimed lots;
 - Add high quality columbaria and other cremation interment options, such as scattering gardens and garden vessels on the expansion lands. This will decrease pressure on land for the in-ground burial of cremated remains, and
 - Develop the 6.3 acres of undeveloped cemetery land. Using the concept design in this master plan, this land will provide adequate capacity for 50 to 75 years of use.

FACILITY ASSESSMENT RECOMMENDATIONS

- Implement a cemetery Wayfinding Strategy;
- Mark cemetery entries with “gateway elements” including the renovation and addition of entry pillars and new gateway gardens;
- Add traffic calming along 15th avenue;
- Develop and plan community events in collaboration with arts, culture and heritage partners;
- Continue to improve historic interpretation signage and horticultural interpretation information for key specimens and collections;
- Manage the cemetery landscape as an arboretum;
- Create and implement tree, turf and shrub maintenance standards;
- Enhance perimeter plantings, including trees and hedges, to redirect views toward nearby hills and buffer cemetery from busy neighboring streets;
- Renovate planting and add improved signage to current Administration Building to clarify relationship with cemetery and improve the “face” of the cemetery;
- Implement a headstone restoration plan;
- Add headstone size, height, location and a placement fee to the City Code – Cemetery section, and
- Increase enforcement of ornamentation rules.

OPERATIONS + GOVERNANCE RECOMMENDATIONS

- Develop Standard Operating Procedures for the cemetery;
- Capture time, task and cost information regarding site maintenance and management;
- Assess the appropriate staffing to support the cemetery team, increase and train staff to meet suitable levels;
- Provide consistent office hours;
- Renovate or expand the cemetery building to create a more professional office, including a dedicated family meeting space;



- Invest in cemetery records management software and train staff on its use;
- Add financial and business management skills to the organization;
- Create a maintenance schedule;
- Tender cemetery opening and closing services for the cemetery, and
- Establish a cemetery customer feedback system.

PRODUCT AND SERVICES RECOMMENDATIONS

- Initiate discussions with potential community partners. Acknowledge future partnerships in marketing materials, on social media, and on the City website;
- Consider the development of a separate green burial site at the City Community Park;
- Add columbaria niches, scattering gardens, community and family vessels, as well as new memorialization products (plaques, vases, wreathes, etc.) to cemetery offerings;
- Increase cremation grave, opening/closing and columbaria rates to align with benchmarks;
- Advise the community and Wilbert that cemetery rates will be increased;
- Increase prices annually by the rate of inflation, and
- Define "resident" in the Cemetery Code and add a 25% mark-up on non-resident rates.

FINANCIAL PLAN RECOMMENDATIONS

- Maintain current profitability levels, counter cost increases from inflation, and achieve perpetual care sustainability in 17 years through "Alternative Financial Scenario 2";
- Create a cemetery income statement independent of the rest of City operations. This should be reviewed annually by the Cemetery Commission;
- Create additional revenues and expense accounts to enhance performance measurement and profit tracking by site, customer segment and interment type;
- Transfer profits to a development fund to support the creation of future services/products and site improvements, and
- Monitor the financial performance progress and community response to ensure the proposed plan is evolving as expected. Revisit the cemetery plan every 5 years.

MARKETING STRATEGY RECOMMENDATIONS

- Update the Cemetery & Urban Forestry webpage;
- Revise the Facebook content controls and encourage staff and stakeholders to provide content, follow and share the page;
- Establish a cemetery brand identity that is consistent with the City of Lewiston;
- Create a "Tagline" and consolidate efforts with other City media resources;
- Redesign the brochure to reflect the brand identity and new service offerings, and
- Invite local organizations to use the cemetery for their activities (bereavement sector, educational institutions, religious, historical and genealogy groups, etc.).



CONCEPTUAL PLAN RECOMMENDATIONS

- Implement the 4-phase cemetery expansion on the undeveloped lands to the south;
- Provide in-ground casket burial, cremation interment and columbaria unit niches options in each phase of development;
- Create a central gathering space at center of expansion lands, and
- Reserve space for future relocation of the Administration Building and Operations Yard to the expansion lands.



CONCLUSION

The recommendations contained in this master plan will move the cemetery towards a model of long term sustainability. This will require adjustments in operations, administration and service offerings, as well as effective partnerships with community organizations. These efforts and adjustments are sound investments in both the City's economic health and culture, showing residents that Normal Hill Cemetery is not only eager to serve community needs, but will continue to be a key piece of the historic and open space fabric of Lewiston.



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1 INTRODUCTION + PROJECT OVERVIEW

1.1 PROJECT OVERVIEW

The City of Lewiston (the City) commissioned LEES+Associates Landscape Architects and Cemetery Planners, to prepare a master plan for the preservation and future development of Normal Hill, the only city-operated cemetery in Lewiston, Idaho.

Normal Hill Cemetery has been a final resting place and public open space for the residents of Lewiston for over 125 years. The cemetery was established in 1888, in the Normal Hill neighborhood. Originally, the new cemetery was surrounded by the wheat fields of the Lewis-Clark valley and out of sight of the City. Today, the cemetery is integral to the character of the neighborhood and the urban fabric of Lewiston.

The cemetery is approximately **40 acres in size** and platted out in alignment with the neighboring City streets. Distinct sections were set aside for fraternal organizations including the Masons, the Odd Fellows (I.O.O.F.) and the Knights of Pythias, but only the Masons currently own their section. Approximately 18,000 people are buried at Normal Hill Cemetery.

The City is interested in providing additional interment options and pursuing new revenue opportunities. Since Normal Hill Cemetery does not yet offer a full range of cremation interment options, providing for this growing market is a core element of the plan. This master plan provides the City with a guiding vision and reinforcing the City's commitment to the long-term sustainability of its cemetery operations.

The Normal Hill Cemetery Master Plan includes the following key elements:

- Evaluation of the cemetery's inventory, market, site conditions, capital improvements, operating cost and revenue assumptions to inform the future of the cemetery program;
- Financial pro formas for future operations, investments and risks, and a
- Summary of marketing initiatives and investments that will enhance the life of the site and generate future revenue.

The chapters of the Normal Hill Cemetery Master Plan are summarized below:

- **Introduction + Project Overview**
- **Comprehensive Demand/Needs Analysis**
 - Provides a market analysis of the cemetery. It includes a review of demographics, disposition trends, interment practices and expected demand. It examines existing inventory and site capacity, comparing it to forecasted land needs and identifying the best use of existing cemetery land.
- **Facility Assessment**
 - Provides an assessment of the physical cemetery site and includes an analysis of its strengths and weaknesses. It also identifies the site improvements required in future development.



- **Governance + Operations Review**
 - Provides an assessment of current governance and operations at Normal Hill Cemetery and compares them to industry best practices.
- **Product and Services Review**
 - Assesses Normal Hill's cemetery product and services, and fee schedules, comparing them to practices across the State and the country.
- **Financial Plan**
 - Identifies the optimal financial model for sustainable operations. It includes a review of historic performance, cost recovery conditions, a Perpetual Care Fund adequacy assessment and provides future financial projections.
- **Marketing Strategy**
 - Assesses the cemetery's promotional practices and identifies key opportunities underlining a more effective cemetery marketing strategy.
- **Conceptual Plan**
 - Provides a concept plan for the cemetery, identifying locations for new interment options such as scattering and columbaria gardens, green burial and other memorialization options. It includes a phased development plan with prioritized actions and order of magnitude cost estimates.
- **Conclusion, and**
- **Appendixes**
 - Provide additional detailed analyses, pricing benchmarks, maps, consultation and site visit summaries, glossary and supporting material.

The recommendations in this master plan serve as a guide for developing cemetery land, policies, budget and operations for the next 25 years.

1.2 METHODOLOGY

DATA ASSEMBLY

Information gathered from City staff was analyzed in conjunction with external cemetery market research and a review of demographic, interment, financial and operational performance of Normal Hill Cemetery. Data sources reviewed in the process of generating this master plan include, but are not limited to:

- United States Census Bureau Data;¹
- State of Idaho Department of Health and Welfare Vital Records;²
- Pew Research Center – Religious Landscape Survey;³
- Idaho State Cemetery Code;⁴
- Lewiston City Code⁵

¹ <http://www.census.gov/>

² <http://healthandwelfare.idaho.gov/tabid/1504/Default.aspx/>

³ <http://www.pewforum.org/religious-landscape-study/state/idaho/>

⁴ <http://legislature.idaho.gov/idstat/Title27/T27.htm>

⁵ <http://www.codepublishing.com/ID/Lewiston/>



- Nez Perce County Comprehensive Plan;⁶
- City and Cemetery Maps and Aerial Photos;
- Normal Hill Cemetery Schedule of Fees;
- 2003 Normal Hill Cemetery Master Plan Foundation by Amy Fisher, and
- Additional records from the City, including forecasts, financial reports, budgets, ledgers, organizational charts, interment and inventory records from 2009 to 2014.

STAKEHOLDER CONSULTATION

Key cemetery stakeholders were engaged in the process of information gathering and analysis through a series of workshops and conversations with City staff, the Cemetery and Urban Forestry Commission, funeral home directors and City Council. The purpose was to achieve a holistic perspective of the City's cemetery operations, as well as its fiscal and land needs.

DEMOGRAPHICS + TRENDS: DEMAND NEEDS ANALYSIS METHODOLOGY

This analysis examined the expected demand, land need, inventory (developed interment space for sale), and land capacity (maximum geographic potential) at the City's Cemetery.

Death and disposition data for **Nez Perce County** was obtained from the State of Idaho Department of Health and Welfare Vital Statistic report which tracks data by State County. In these analyses, it is assumed death rates and disposition proportions in the City are the same, as has been historically experienced in Nez Perce County.

Future demand for cemetery services was extrapolated from historic death and disposition trends, as well as cemetery use patterns, known as 'market capture.' Cemetery market capture was calculated by comparing annual interments (provided by City staff) to the expected number of City deaths.

For these analyses, market capture rates were assumed to remain consistent over the next 25 years. If the changes in this master plan are implemented, it is possible that market capture rates would increase.

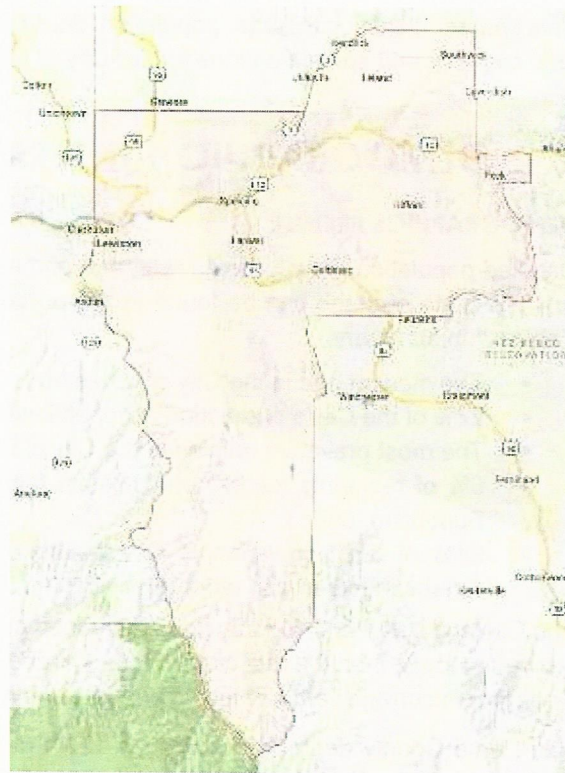


Figure 1: Nez Perce County Map,
Source: Google Maps 2015.

Additional information about the Regional Context for this Comprehensive Demand Needs Analysis can be found in "**Appendix A – City of Lewiston Regional Context.**"

⁶ <http://www.co.nezperce.id.us/Departments/PlanningandBuilding/ComprehensivePlan/ComprehensivePlanHome.aspx>



FINANCIAL ANALYSIS METHODOLOGY

Financial analyses in this master plan build upon the Demographic and Trends Analysis, as market changes are expected to be key sales and cost drivers. Alternative scenarios were developed through a detailed sensitivity analysis of key variables to determine how the City could achieve more sustainable cemetery operations.

The primary tool for this analysis was the Cemetery Business Case Analysis Tool (CBCAT), an integrated financial planning tool specifically developed for tracking demographic, interment and market trends in the communities of municipal cemeteries.

2 COMPREHENSIVE DEMAND/NEEDS ANALYSIS

This chapter identifies the age, population, death, cremation and burial trends that affect cemetery land capacity and service options for the City of Lewiston and Normal Hill Cemetery.

2.1 DEMOGRAPHIC + INTERMENT TRENDS

DEMOGRAPHICS PROFILE

Detailed population growth, death rate, age and religious distribution data for the City of Lewiston and the State of Idaho can be found in “**Appendix B – Historic Demographic Profiles + Data Tables.**” In summary:

- The median age in the City of Lewiston is 39.9 and the State of Idaho is 34.6;
- 27% of the City’s population is not affiliated with any particular religion;
- The most prevalent religion in the City is Evangelical Protestant at 21%;
- 6% of residents follow non-Christian faiths, including Judaism, Hinduism, Islam and Buddhism, and
- 94% of the population is Caucasian. 6% of the City is African-American, Asian, American Indian and other ethnicities.

The City and Nez Perce County have both been growing at an annual average rate of about 0.40% per year, slower than the rest of the State of Idaho growing at a rate of 1.24%. The City’s Planning Department currently anticipates its annual growth will increase to 0.5% in the next 25 years.

Nez Perce County death rate averages 12.44 deaths / 1000 residents, which is higher than the State of Idaho average of 7.45 deaths / 1000. The analysis in this master plan assumes that the City of Lewiston has approximately the same death rate as the rest of Nez Perce County.



DISPOSITION PROFILE - CREMATION RATES

Disposition is the way in which human remains are transformed after the event of death, such as casket burial or cremation.

North American disposition trends indicate that cremation is increasing nationwide. The average United States cremation rate increased from 35.9% in 2008 to 45.3% in 2013, and is expected to continue to rise in most States (including in Idaho).

The average cremation rate in Nez Perce County (and presumably the City of Lewiston) has increased from **54.4% in 2009** to **69.1% in 2014**. In comparison, the State of Idaho currently has a cremation rate of 54%, which is forecast to grow to 61% by 2018.

If cremation in the City was to increase at the same pace as that forecasted for the State, the City's cremation rate would rise to **75% by 2018**.

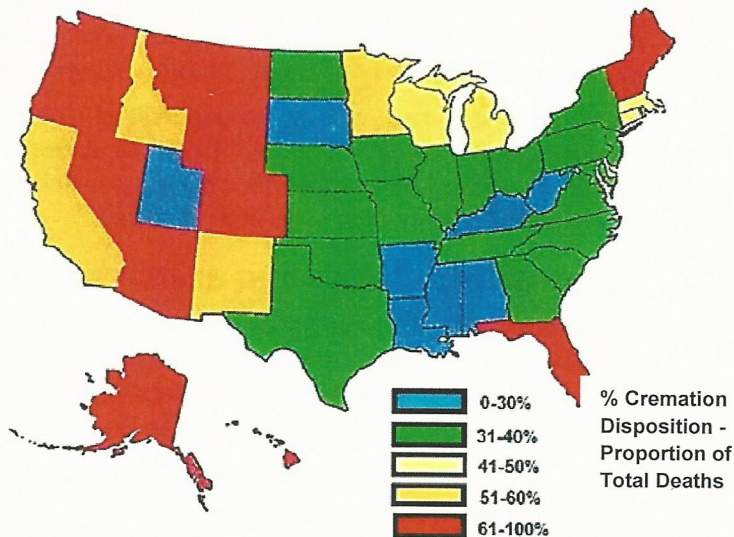


Figure 2: United States Rates of Cremation, Source: Cremation Association of North America.

Disposition Preferences City of Lewiston, Nez Perce County 5 Year Average, 2009 to 2014

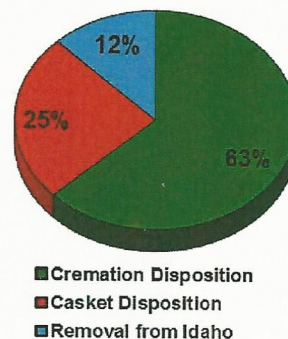


Figure 3: Lewiston and Nez Perce County Disposition Proportions, Source: State of Idaho Health and Welfare Vital Records.

INTERMENT ACTIVITY + PRE-NEED PROFILE

This master plan uses interment data obtained from Normal Hill Cemetery staff. From 2009 to 2014, Normal Hill Cemetery accommodated a total of:

- 191 in-ground casket lots interments (averaging 38 per year);
- 266 in-ground cremated remains interments (averaging 53 per year), and
- 9 interments of cremated remains in columbaria niches (averaging 2 per year).

Families that purchase a lot at Normal Hill Cemetery when a resident dies are referred to as "at-need" customers. Alternatively, residents may also choose to purchase a lot before they die ("pre-need".) Pre-need sales usually increase short-term revenue and decrease the availability of cemetery inventory in the long term.

The City does not currently track pre-need separately from at-need sales. This would be a useful metric in the future as cemetery lots sales are expected to exceed the rate of interment at most municipal cemeteries. Due to pre-need sales, the City should expect to run out of lots to sell (with a corresponding decrease in revenue) years before it stops performing interments for the community.



The City's records currently report less revenue than would be expected if all interments were at-need sales. This suggests Normal Hill is experiencing pre-need sales and staff confirm that families are taking advantage of the City's 12 month, interest free, pre-need protection plan.

Municipal cemeteries with a non-aggressive marketing strategy and no dedicated sales representative typically average a 2:1 ratio for at-need to pre-need sales. North American private operators generate up to 2:3 at-need to pre-need sales ratios, driven by significant investment and an aggressive approach to sales and marketing.

TRENDS ANALYSIS - DEFINING THE FUTURE CEMETERY MARKET

As the large Baby Boomer generation (born from 1946 to 1964) passes away, there will be an increase in deaths and a corresponding demand for cemetery services. Death rates are expected to increase starting around 2018-20 and extending to 2040-45. In 2026, the first of the Boomers will reach 80 years, the anticipated average lifespan for this group.

Largely due to the passing of the Baby Boomer generation, the average number of deaths is expected to rise to as high as 500 per year in the City of Lewiston in the upcoming 25 year period – increasing the regional death rate up to 14.2 / 1000.

The following graph summarizes the future cemetery market needs that can be expected for Normal Hill Cemetery for the next 25 years.

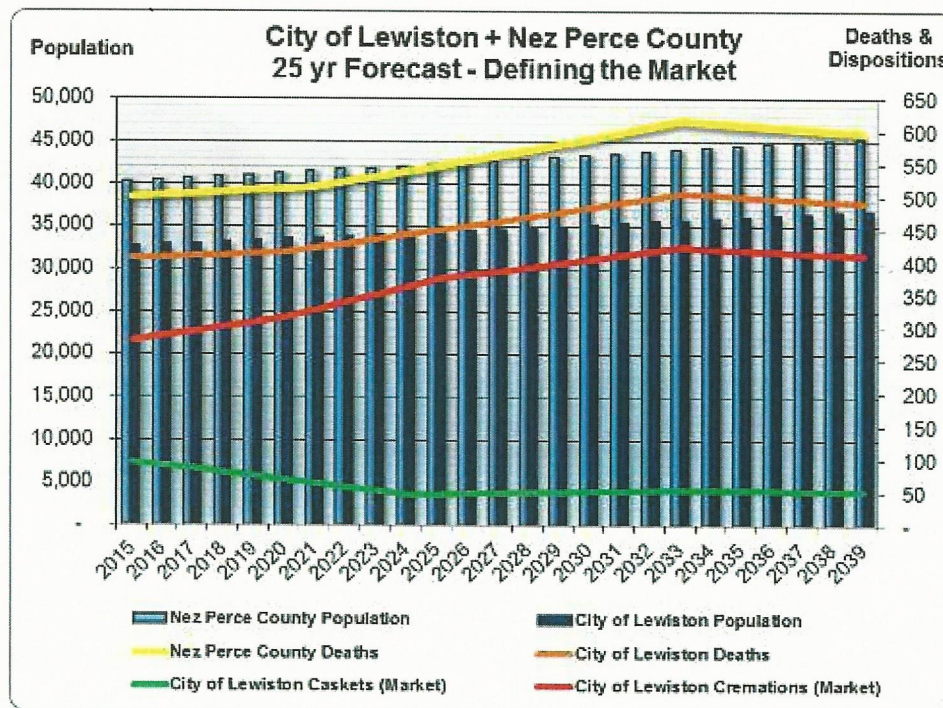


Figure 4: City of Lewiston, Nez Perce County and Normal Hill Cemetery 25 Year Cemetery Market Forecast, Source: LEES+Associates.



2.2 KEY FINDINGS: DEMOGRAPHIC + TRENDS ANALYSIS

Key findings from this demographic and trends analysis for the City of Lewiston, Nez Perce County and Normal Hill Cemetery:

- City and County populations have been growing steadily at a rate of about 0.40% per year, slower than the rest of the State. Growth is expected to increase to 0.5% per year;
- The City's population is older than the rest of the State of Idaho;
- The City and County have higher death rates than the rest of the State of Idaho;
- In the next 25 years, the City of Lewiston's death rate will increase to 14.2 from the current 12.4 per 1000, due to the passing of the large Baby Boomer Generation;
- The cremation rate is increasing across the State of Idaho, and this trend is expected to continue into the foreseeable future;
- The City and County both have a higher cremation rate (69%) than the State (56%), and
- Approximately 11,500 deaths are expected in the City of Lewiston over the next 25 years. 13% of these, or 1500 are anticipated to choose casket burial, 81%, or 9300 will choose cremation and 6% or 700 will be interred outside of Idaho.

2.3 DEMAND ANALYSIS

DEMAND ANALYSIS: HISTORIC MARKET CAPTURE

The extent to which residents in an area choose to be buried in a specific Cemetery is known as market capture. Market capture is affected by historic family choice of cemetery, customer satisfaction, marketing, price, distribution, competition, and the range of available interment options.

There is usually a lower capture rate for cremated remains due to the variety of sanctioned and unsanctioned places where they can be spread, kept or interred. Those that opt for casket burial often have no choice but to be interred in a cemetery. Capture rates are highly variable depending on the number of private, religious and not-for-profit cemeteries within the same or overlapping catchment areas.

Interment Type	Normal Hill Cemetery Interments (2009-2014)	Typical Market Capture Rate ⁷	Normal Hill Market Capture Rate (2009-2014)
Casket Interment	191	80 - 90%	39%
Cremated Remains	266 burials 9 cremation inurnments	10 - 20%	21%
Totals	466 interments	n/a	23% of all deaths in Lewiston

Table 1: Market Capture Rates, Source: LEES+Associates.

⁷ Typical market capture rates of cemeteries are based on our firm's experience, market research and monitoring of North American cemeteries over the last 17 years.



The unusually low casket market capture rate for Normal Hill Cemetery suggests that the City of Lewiston may have medium to high levels of competition intensity in its regional market from private and religious cemetery operations, and other municipal cemeteries in adjacent counties.

“Appendix C – Cemetery Market and Market Capture Details” provides additional detail concerning the historic cemetery market and market capture.

DEMAND ANALYSIS: FUTURE MARKET CAPTURE

Assuming these cemetery market capture rates were to continue, the adjacent graph shows the expected distribution of deaths in the City of Lewiston over the next 25 years.

“Unregulated areas” refers to the many different places and structures where an urn with cremated remains may be kept or scattered.

Distribution of Deaths in the City of Lewiston over 25 years

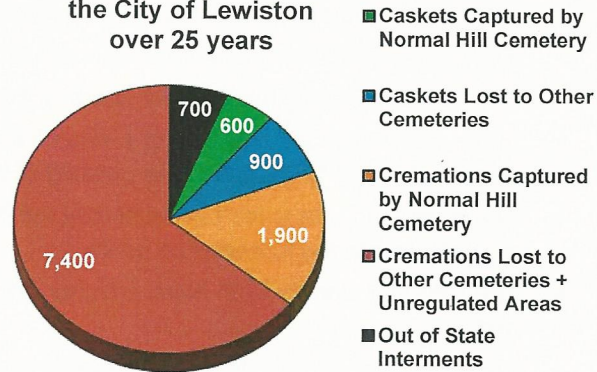


Figure 5: Distribution of Deaths in Lewiston over next 25 years, Source: LEES+Associates.

DEMAND ANALYSIS - DEFINING FUTURE CEMETERY MARKET CAPTURE

The following graph summarizes the future cemetery activity that can be expected for Normal Hill Cemetery for the next 25 years.

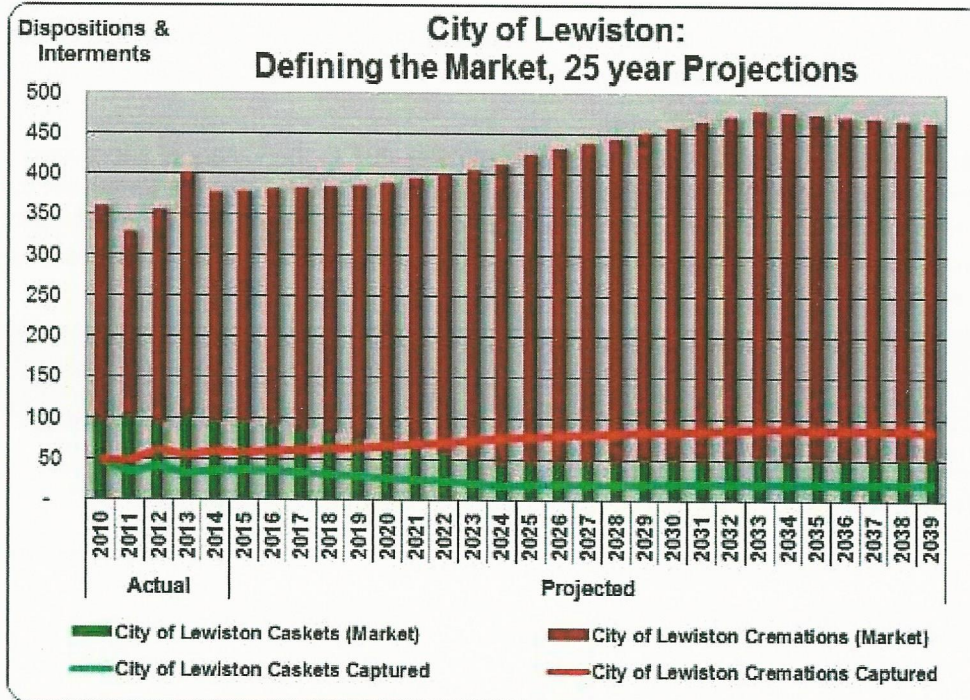


Figure 6: City of Lewiston, Nez Perce County and Normal Hill Cemetery 25 Year Market, Capture Forecast, Source: LEES+Associates, Lewiston Interments Record and Planning Report, Chapter 3 - Population Trend Analysis 1999 to 2020.



2.4 KEY FINDINGS: DEMAND ANALYSIS

- Normal Hill Cemetery casket market capture is **below average** compared to the expected industry market capture rate from 2009 to 2014;
- Normal Hill Cemetery cremation market capture was **on par** with the expected industry market capture rate from 2009 to 2014;
- Assuming market capture rates did not change, the City of Lewiston can expect the following interments over the next 25 years:
 - 600 casket interments, and
 - 1,900 cremation interments.

2.5 SUPPLY ANALYSIS + LAND NEEDS ASSESSMENT

SUPPLY ANALYSIS: CURRENT CEMETERY SUPPLY

This section provides the City with direction on how it can meet its community's expected demand for burial over the next 25 years. Additional capacity for in-ground casket and cremation interments is expected to be required in this time frame. Questions addressed in this section are:

- What is the existing interment inventory at Normal Hill Cemetery?
- How long will the remaining, existing in-ground casket burial and cremation inventory serve the expected demand?
- How many additional in-ground casket and cremation burial lots are needed to meet projected demand in the next 25 years?
- How much additional capacity could be developed with the City's existing undeveloped cemetery land?
- By developing additional capacity, how long can Normal Hill Cemetery provide traditional in-ground casket and cremation interment options?
- Is there potential demand for future additional interment options at Normal Hill Cemetery?

This assessment assumes that community use and historic sales trends will not change and that Normal Hill Cemetery will continue to provide their existing products and services. Increasing the attractiveness of a cemetery through greater products and service diversity, marketing, community engagement and customer service improvements, will affect future community use of Normal Hill Cemetery and may subsequently lead to an increased rate of land use.

This supply analysis and land needs assessment focuses on the analysis of in-ground casket and cremation burial capacity at Normal Hill Cemetery. Currently, a standard casket grave site at Normal Hill Cemetery is 4 feet by 10 feet with 2 feet of the length used to accommodate the 2 x 4 headstone. Gravesites can be prepared to accommodate 2 caskets stacked one on top of the other. A standard in-ground cremated remains site is 3 feet by 3 feet. There is additional space around each grave site to accommodate visitor walking paths and maintenance equipment.



EXISTING INVENTORY VERSUS FUTURE DEMAND

The table below shows the existing inventory at Normal Hill Cemetery, compared to future burial demand, and provides an estimate for when existing inventory is likely to be exhausted.

Cemetery Inventory	Existing Inventory	25 Year Demand	25 years of Inventory?	Estimated Inventory Life
Adult Casket Lot Burials	275 ⁸	600 Casket Interments	✗	10 years
Infant Casket Lot Burials	81			
Casket Crypt Entombments	6			
Cremation Lot Burials	76	1,900 Cremation Interments	✗	2 years
Cremation Niche Inurnment	65		✓	25 years

Table 2: Projected Life of Inventory compared to Projected Demand at the Status Quo Market Capture Rate. Source: City of Lewiston Inventory Report and LEES+Associates' Demographic Analysis.

This conservative land needs assessment estimates the earliest possible time that Normal Hill Cemetery would no longer have inventory for sales. This conservative scenario assumes that only one casket is interred in each casket lot and that one set of cremated remains will be interred in each cremation lot or columbaria niche over the next 25 years.

If Normal Hill Cemetery were to offer higher density interments for family members, for example with two caskets and two urns interred within every existing casket lot and two to six sets of cremated remains interred in each cremation lot, then the projected life of Normal Hills' existing cemetery inventory could potentially double for casket lots and possibly quadruple in the case of cremated remains inventory.

Burials will continue for years after the last lot sale as the City can expect to continue burying people in pre-need lots, purchased prior to the time of death. Given that Normal Hill is the primary City cemetery serving the community, the development of new inventory is urgently needed.

25 YEAR LAND NEED

With 600 casket interments expected in the next 25 years and assuming 0.002 acres allocated to each casket lot, Normal Hill Cemetery can expect to use up to **1.20 acres** of land for casket burials in this time.

With 1,900 cremated remains expected to be buried in the next 25 years and assuming cremation lots are one quarter the size of a casket lot, Normal Hill Cemetery can expect to use up to an additional **0.95 acre** of land for cremation burials during this time.

In total, over the next 25 years, Normal Hill Cemetery can expect to use up to **2.15 acres** of land for in-ground burial.

TOTAL POTENTIAL CAPACITY VERSUS FUTURE DEMAND

Traditional in-ground burial capacity can be expanded by:

- Developing the undeveloped area of Normal Hill Cemetery, and
- Adopting an infill strategy in the developed part of the cemetery.

⁸ In addition, the Masons have roughly 502 lots left in their section of the cemetery. The City cannot sell these lots.



The table below shows the total potential interment capacity assuming that the entire 6.3 acres of the expansion lands are maintained for cemetery use. It assumes a conservative, standard design development measure of **500 full burial lots per acre of land**, with all undeveloped space being developed as adult casket lot cemetery inventory. It compares the estimated total lot capacity to the future burial demand and shows the possibility of more than 150 years of casket lot inventory at Normal Hill Cemetery.

Cemetery Inventory	Existing Inventory	Potential New Lots	Total Capacity	25 Year Demand	25 years Capacity?	Estimated Capacity Life
Adult Casket Lot Burial	275	3,500	3,775	600 Casket Interments	✓	>150 yrs

Table 3: **100% Casket Lot Development Scenario** – Total Capacity and Projected Demand at Current Market Capture Rate. Source: City of Lewiston Inventory Report, LEES+Associates' Demographic Analysis.

CONCEPT DESIGN

In order to increase future capacity in a holistic fashion, three concept design options were developed, based on discussions with City staff, a facility site assessment, and the projection of the community's needs. These three concepts were presented to the community at a public open house at Normal Hill Cemetery in September 2015.

Additional details about the final concept design selected are available in **Chapter 8**, and **"Appendix D – Normal Hill Cemetery Concept Design."**

The following table estimates the minimum projected life of the new cemetery site capacity after developing the cemetery expansion land according to the final Concept Design proposed for Normal Hill Cemetery.⁹

New Inventory Developed	Total Inventory after Development	Land Capacity Life after Development
Current Inventory		
N/A	275 casket lots	10 years
Not applicable	76 cremation lots	2 years
Not applicable	65 columbaria niches	25 years
After Expansion		
1,899 casket lots	2,174 casket lots	> 75 years
2,048 cremation lots	2,124 cremation lots	> 50 years
1,060 columbaria niches	1,125 columbaria niches	> 100 years

Table 4: **Potential Cemetery Expansion Land Capacity and Life**, Source: LEES+Associates.

ADDITIONAL CAPACITY - UNCLAIMED LOTS

⁹ This analysis focuses on the primary burial services offered at Normal Hill Cemetery and does not include less prevalent services such as infant or mausolea crypt interments that have a less material impact on cemetery land capacity life.



Some cemeteries seek to increase their inventory through the reuse and resale of unclaimed lots, usually those that have been purchased from the City more than 50 years ago but with whom the City has had no contact with since the time of purchase. The best practices surrounding this strategy include:

1. Attempt to find the last known lease/lot owner;
2. Advertise in the local media (e.g. newspapers) to find them, and
3. Where no contact is able to be established with the buyer or family members, determine the lots to be available.

Precise terms surrounding the circumstances and expiration of the right of interment in an unclaimed lot should be delineated in the Cemetery Code. Unclaimed lots that are determined to be available can then be resold, typically at the current fair market value. It is important to consider that just because a lot was sold 50 or more years ago, it does not necessarily indicate a lack of family interest. Thorough investigation and significant staff time is required to determine if unclaimed lots are actually available.

2.6 KEY FINDINGS: SUPPLY ANALYSIS + LAND NEEDS ASSESSMENT

The key findings below assume that Normal Hill Cemetery does not in-fill its existing developed cemetery space any further with additional graves and that historic use patterns continue. These findings include:

- All existing casket lots will sell out within approximately 10 years;
- All existing cremations lots will sell out within approximately 2 years;
- More than adequate capacity exists within the expansion lands to meet the City's interment needs for more than 100 years, and
- Approximately 2.2 acres of land are needed for interment in the next 25 years.

2.7 RECOMMENDATIONS: COMPREHENSIVE DEMAND/NEEDS ANALYSIS

The City of Lewiston should:

- Prioritize the development of additional cremation lot sites;
- Pursue the reuse and resale of unclaimed lots;
- Integrate high quality and attractive columbaria niches and other new cremation interment options, such as scattering gardens and family vessels, into the cemetery's inventory. This will decrease the pressure on land for the in-ground burial of cremated remains, and
- Develop all **6.3 acres** of its undeveloped land as proposed in the Concept Design. This will meet the City's needs for at least 75 years.



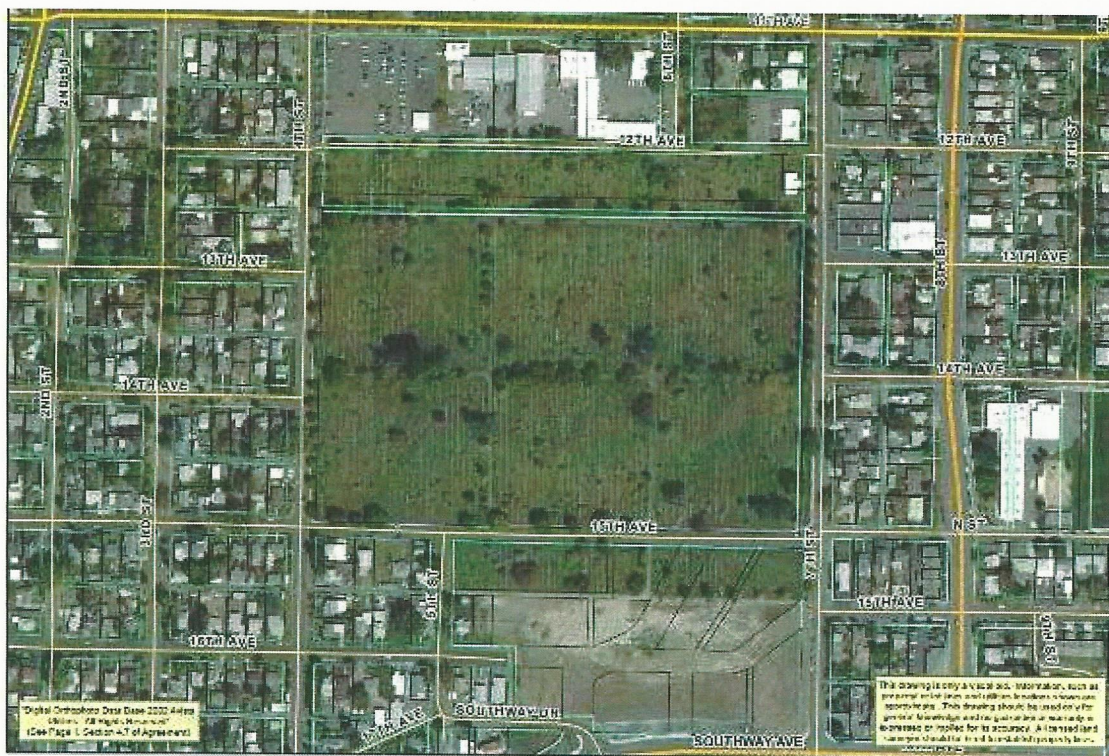
3 FACILITY ASSESSMENT

This facility assessment was informed by consultations with City staff, the Cemetery and Urban Forestry Advisory Commission, a cemetery site tour and current research into industry best practices. A summary of findings from the site tour and stakeholder consultation can be found in **“Appendix E - City of Lewiston Stakeholder Consultation Summary.”**

NORMAL HILLS CEMETERY SITE OVERVIEW

Normal Hill Cemetery was established in 1888 after the City was petitioned to move the cemetery from Fifth Street (the current location of Pioneer Park) to its present location south of the City in the Normal Hill neighborhood. The relocation of the cemetery over a period between 1888 and 1893 meant that many burials were exhumed and headstones relocated to the “new” cemetery site including the oldest headstone at cemetery dating back to 1867. In the late 1880s, the site was surrounded by wheat fields. Today, the cemetery is integral to the character of the residential and educational neighborhood of Normal Hill, as well as Lewiston as a whole.

The 40 acre cemetery is the final resting place of approximately 18,000 individuals.



Normal Hill Cemetery
May 2014



Figure 7: Normal Hill Cemetery Aerial Map, Source: City of Lewiston.



CEMETERY CONTEXT AND EXPANSION LANDS

To the north of the cemetery site lies Lewis-Clark State College. The college was once known as the Lewiston State Normal School, a 19th-century teacher's college from which the neighborhood and cemetery take their name.

To the west, 4th Street forms the boundary to the cemetery and to the east, 7th Street. Both of these tree-lined, residential streets are characterized by single family homes. The southern portion of the cemetery is bisected by 15th Avenue as the cemetery has been extended to Southway Avenue to envelop lands south of the original boundary.

6.3 acres of potential expansion land to the south of the cemetery are currently City owned and the rights of way across these properties have been recently resolved to consolidate the land parcel. The issue of whether these lands should be sold or retained in City ownership is a key recommendation in this Cemetery Master Plan.

Normal Hill Cemetery's expansion lands are comprised of raw land and fill from Lewis-Clark State College construction. The land slopes significantly towards Southway Avenue, necessitating grading for the future expansion of the cemetery. There are no trees on the expansion lands. The hillside is vegetated with grasses and scrub.

The creation of a central gathering space with a shade structure, arbor, or overhead gazebo could provide a strong focal point to the expansion lands.

The current dead end of 16th Avenue should be connected to the cemetery with a pedestrian path.

The 2003 Normal Hill Cemetery Master Plan Foundation by Amy Fisher reported that 72% of the community was supportive of developing these expansion lands to meet the City's future interment needs.



Figure 8: Normal Hill Cemetery - Expansion Lands Aerial Map, Source: City of Lewiston.



3.1 PHYSICAL SITE REVIEW

INTERMENT OPTIONS, MEMORIALIZATION + INFRASTRUCTURE

The cemetery offers traditional, in-ground casket burial at single and double depth, cremation burial, as well as interment in mausolea niches and crypts.

The cemetery has approximately 10 years of casket burial inventory and 2 years of cremation lot inventory remaining. The majority of available, developed inventory is in the north-west corner of the cemetery, in Division C (61 lots) and in the south-east corner of the cemetery, in Division 5. There are also approximately 502 lots left in the Masonic Lodge section of Normal Hill.

There is an opportunity to add infill columbaria units on the east path to the Mausoleum, to further increase the inventory of cremation niches. Given the space between rows of existing graves, the cemetery's capacity could also be expanded through infilling the pathways with casket lots in the less active parts of the cemetery.

As mentioned in Amy Fisher's 2003 Normal Hill Cemetery Master Plan Foundation, prepared in collaboration with the Cemetery and Urban Forestry Commission, the cemetery has the opportunity to densify the burial space, eliminating the impression of "sprawl".

With respect to memorialization, Normal Hill Cemetery currently has challenges with the condition of some of its headstones and their maintenance. A restoration plan to address leaning markers would further enhance the site's attractiveness and the presentation of its memorialization.

Currently, headstone size, height, location and a placement fee is not referenced in the Code.

In 1924, the mausoleum was added to the 7th Street frontage. Built as a private venture by the Interstate Mausolea Company and dedicated in 1925, the building received its first committal in January 1926.

After disputes about the care of the buildings and the surrounding grounds, the City took ownership of the mausoleum and in 1961 voided the sale of the land. Today the mausoleum still accommodates crypts and niche interments, albeit at a low level with only a few interments each year.

Currently, the attractiveness of existing niches and crypts at the mausoleum is below industry standard. Few families have chosen to have their loved ones interred there in recent years.



Figure 9: Normal Hill Mausoleum,
Source: LEES+Associates.

SOIL + WATER TABLE

Normal Hill Cemetery's soil is iron poor and alkaline, which can cause site maintenance challenges. Additionally, there is concern about the quality of fill used in the expansion lands, especially the eastern edge bordering 7th Street. This section may have rougher fill, including large concrete and asphalt blocks, which could present challenges to traditional interment.

The irrigation system is good and the wells have capacity, but upgrading with rain sensors is needed.



HORTICULTURE: TREES, SHRUBS, GROUND COVER + BIODIVERSITY

The cemetery is well planted with hedges and street trees to the 4th and 7th Street frontages. Additionally, there are a number of significant mature trees within the cemetery itself.

There are over 70 species of trees and shrubs at Normal Hill Cemetery, including the 32 species that make up the State Tree Grove. Planted in 1992 as an Arbor Day Project by Webster Elementary School students, the grove's 32 species represent the official trees of 45 states and Washington D.C. (some states have the same state trees). Four state trees, the Palo Verde (*Cercidium spp.*) from Arizona, the Cabbage Palm (*Sabal palmetto*) from Florida and South Carolina, and the Candlenut (*Aleurites moluccana*) of Hawaii were not planted as they cannot survive the Lewiston winters. The Southern Live Oak (*Quercus virginiana*), the official state tree of Georgia, is also not represented in the collection, likely due to its lack of hardiness for the Lewiston climate.

The site also has significant trees dating from the early days of the cemetery, including a Blue Ash tree (*Fraxinus quadrangulata*) that is listed as a state record tree due to its size. The Blue Ash, located near 15th Avenue and 7th Street, is believed to have been planted in 1907.

While there is wide biodiversity amongst the tree species, the site could benefit from a wider variety of shrubs and groundcovers, including a focus on native plants.

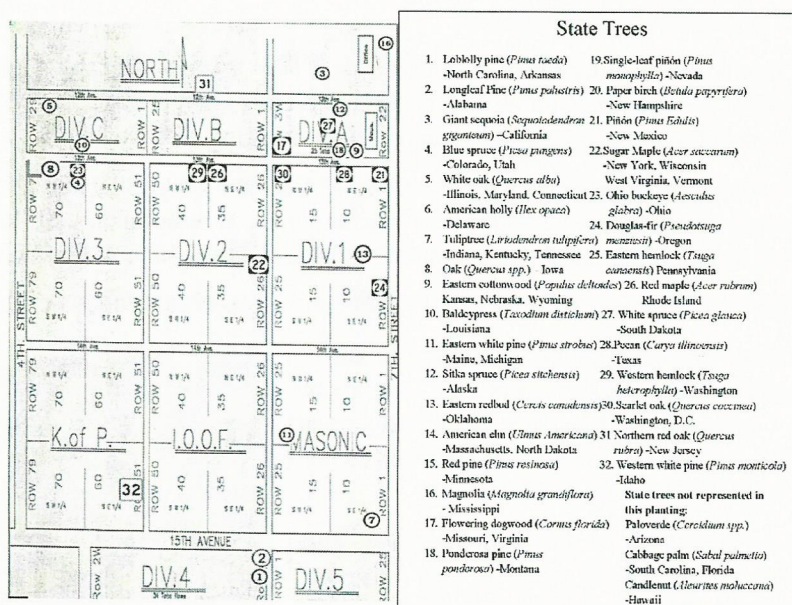


Figure 10: Normal Hill Cemetery State Trees Inventory, Source: City of Lewiston.

Many of the cemetery's shrubs, often planted by families next to grave sites with no formal approval, are overgrown and have become unsightly. This undermines the aesthetic coherency of the site and has led to maintenance challenges.

The cemetery would benefit from **tree and shrub maintenance standards**. Currently all arboricultural tasks are individually identified and directed by the City Arborist and then executed by City staff, the arborist and the "Red Shirt" laborers from the Department of Corrections. The creation of maintenance standards could provide greater consistency to the maintenance.

Further weed control is needed in the turf. Turf maintenance is performed almost entirely by the Red Shirts. They use custom built 12" cutters and their work is a very good value for the price. However, since the Red Shirts can be reassigned to higher priority work, such as fire crews during wildfire season, their availability cannot be depended on. This leaves the cemetery untended as



there is no staff to perform all but the most critical maintenance during these periods. This may imperil investments in new trees, turf and plantings.

Additionally, the large water valves on the edge of 7th Street should be screened with vegetation in order to improve the aesthetics of the site. The Administration and Operations Building also could use improvement of its plantings to reinforce its overall presence.

ACCESS, CIRCULATION AND PARKING

Normal Hill Cemetery is crossed by a number of cemetery drives and roadways. Many are lined with large canopy trees and all have low speed limits at 25 mph or less. The peaceful character of these drives should be reinforced with a variety of means including additional infill planting of canopy trees and narrowing of unnecessarily large roadways such as 15th Avenue.

The addition of traffic calming measures on 15th Avenue would have benefits for the neighborhood and allow the creation of a wider verge to provide space for new tree plantings and to buffer the graves located close to the road edge.

The current parking arrangement, with vehicles pulling over the edge of the cemetery roadways, is generally adequate for the needs of the site. With the narrowing of 15th Avenue, dedicated layby parking could also be interspersed between planting areas for “bump outs”.

Finally, to ease navigation and reinforce the identity of the site, the cemetery roads should be named. This presents an opportunity for public engagement, as the community could be surveyed for preferred naming choices.

VIEWS AND NOISE

The cemetery is bordered by residential and educational properties, as well as their associated parking lots. As such, the views directly outside of the cemetery are uninspiring. Selective screening of the less-compatible surroundings, coupled with a redirection of views towards the nearby hills, would improve the visitor experience at the site.

The traffic noise from the adjacent streets, especially the busy Southway Avenue, undermines the peaceful atmosphere within the cemetery and should be screened as much as possible.

SIGNAGE, RAILINGS, GATES, FENCING AND SITE FURNITURE

While the site was historically gated, the cemetery currently has no railings, gates or fencing. Brick pillars at the existing entry ways are the vestiges of these gates. Gateway elements, including planting and signage integrated with the existing pillars, should be included at designated entries throughout the site.

Amy Fisher’s Master Plan Foundation suggested that Normal Hill Cemetery develop a comprehensive sign system to provide identification, orientation, regulatory and interpretative information, while staying discreet and low-key in the design, number and placement of the signs. Naming the cemetery roadways is also an important element for orientation and wayfinding. Roadway names could draw on Pioneer history or the names of surrounding geographical elements.

Improvement of the site furnishings, specifically the provision of benches and upgrading of garbage cans, is important in reinforcing the aesthetic character of the site. Garbage and any watering cans that cannot be replaced by spigots, as well as flower stations, should be grouped together.



Figure 11: Normal Hill Cemetery Front Gate, Source: LEES+Associates July 2015.

DEER MANAGEMENT

Normal Hill Cemetery's often is visited and grazed by local deer. The presence of urban deer on the City's Cemetery site presents a range of unique challenges.

In 2010, the BC Conservation Foundation prepared a report for the Ministry of Environment Urban Ungulates Conflict Analysis Report, July 5-2010.¹⁰ This key source document on deer management strategy presents a wide variety of options to consider.

No single deer management technique or strategy is universally appropriate to address all situations. North American communities have tried strategies ranging from deer culling, relocation, sterilization, deterrents, public education and population monitoring.

Generally, the community has recognized and appreciated the cemetery as a sanctuary for wildlife. But it would be advisable for the City to monitor this activity and gather feedback from the community about whether the wildlife presence concerns them. Residents need a feedback mechanism to report potential problems to the Cemetery, so that City staff can respond in a timely manner to the community's reported concerns.



Figure 12: Deer at Normal Hill Cemetery, Source: LEES+Associates July 2015.

¹⁰ Urban Ungulates Conflict Analysis Report, July 5-2010

<http://www.invermere.net/documents/UrbanUngulatesConflictAnalysisFINALJuly5-2010.pdf>



ORNAMENTATION

Visitors to Normal Hill Cemetery have historically left artificial flowers on burial lots, contributing to an unkempt appearance at the site.

There are appropriate regulations in the City Code to manage cemetery ornamentation (*Lewiston City Code*¹¹: Sec. 11-70. *Landscaping, planting, cultivation, etc., of trees, shrubs, etc.* and *Lewiston City Code*: Sec. 11-85. *Decoration of plots*) but they have not historically been enforced.

Increasing the availability of water on site, ideally with spigots, is expected to enhance the City's ability to ban artificial flowers.

CULTURAL AND COMMUNITY PROGRAMS

There are no official City programs at Normal Hill Cemetery that regularly utilize the physical space, facilitate memorialization and connection to the memory of those who have passed, or permit the celebration of the history of the City. However, there is a positive organizational culture at the City's Parks and Recreation Department that encourages staff participation in seminars, workshops, conferences and public events that have a community-wide impact.

Normal Hill Cemetery is recognized by the City and community as a place of recreation and reflection. This site has been the focus of a series of community initiatives over the past few years. As mentioned earlier, in 1992, local students established a "State Tree Grove" at Normal Hill planting 34 different tree species within the Cemetery. These trees and many other significant plantings are distributed throughout the cemetery sections and contribute to the park-like character of Normal Hill.

More recently, Jenifer Junior High School's GIS students undertook the 5th Street Cemetery Necrogeographical Study (2001-2009), a GIS project to geo-reference every grave at Normal Hill and also to map reburials from the original Pioneer Park cemetery. Using ground penetrating radar the project established that while many headstones were moved to the new Normal Hill Cemetery, the bodies of up to 200 people still lie undisturbed at Pioneer Park.

Other community projects include the annual **Walking with Ancestors Tour** hosted by the Twin Rivers Genealogy Society. Twin Rivers Genealogy Society is a non-profit organization incorporated in the State of Idaho that serves Lewiston, Idaho; Clarkston, Washington; and surrounding areas.

3.2 RECOMMENDATIONS: FACILITY ASSESSMENT

Opportunities to enhance Normal Hill Cemetery facilities include but are not limited to:

- Creating additional burial capacity and interment memorialization opportunities;
- Improving the sites physical appearance through a headstone restoration and improving the sites' horticultural interest by increasing biodiversity;
- Adding headstone size, height, location and a placement fee into the Cemetery Code;
- Upgrading and adding rain sensors to the existing irrigation system;
- Screening large water valves with vegetation in order to improve the aesthetics of the site;

¹¹City of Lewiston City Code <http://www.codepublishing.com/ID/Lewiston/>



- Creating documented tree and shrub maintenance standards;
- Improving the plantings around the Administration and Operations Building to reinforce the cemetery's overall presence;
- Increasing enforcement of ornamentation rules as delineated by the City Code to improve site presentation;
- Increasing availability of water with strategically located spigots to improve site presentation;
- Improving access and circulation for visitors with new entry gates, paths and benches;
- Engaging the community in the naming of Cemetery Roads to increase public engagement;
- Adding gateway elements such as planting and signage to designated entries throughout the site;
- Adding planting to screen less-compatible surroundings and redirect views towards the nearby hills;
- Enabling the community to access the cultural and historic value of the cemetery by:
 - Develop and plan regularly scheduled programmatic events in collaboration with community partners, and
 - Providing information and historic interpretation signage.

4 GOVERNANCE + OPERATIONS REVIEW

This chapter of the master plan provides a review of the City's current governance model and operations of Normal Hill Cemetery. Governance describes the form of management oversight provided over cemetery operations. Operations includes the processes and resources associated with site operations and customer service administration. Site operations encompass the physical care, maintenance and interment services that take place at Normal Hill Cemetery. Customer service and administration encompasses customer service and the sale of cemetery lots, products and services, liaison with families and funeral homes, record-keeping and related administrative duties. In addition, this chapter identifies the effectiveness of the City's records management system and how this directly impact operations.

4.1 GOVERNANCE

The City's cemetery operations at Normal Hill is guided by a voluntary Cemetery and Urban Forestry Commission that makes recommendations to Council with regard to cemetery affairs. Operations at Normal Hill Cemetery are directly led by the Parks and Recreation Department. Parks and Recreation Department management of cemetery operations is a common service delivery model for municipalities across North America. It is less common for a municipality to have an independent oversight group guiding cemetery policy, like the Commission. This makes Normal Hill above average in the strength of its governance model.



The following table summarizes the **benefits and challenges** of conventional municipally operated cemetery systems.

Benefits	Challenges
Community confidence/perception that the cemetery will always be there	Cemeteries are often under-supported.
Operational efficiencies with Parks services	Inefficiencies can arise if a “business-like” approach to cemeteries is not adopted.
Ability to optimize heritage, public art and genealogical objectives	Organizational structures limit cemetery services’ ability to be nimble
Community place of commemoration, memorialization and memory across multiple layers of society	Rarely are municipal cemeteries endowed with a clear mandate, limiting their latitude
Can be a net revenue generator if operated with both adequate autonomy and support	Revenue, sales planning and delivery are hampered by a lack of business skills
Preservation of historic places	Municipalities are not entrepreneurial, limiting their ability to take advantage of market potential.
	Capital development and innovation is limited by tax payer’s willingness to pay and/or borrow.
	Marketing is often overlooked for municipal services
	Responsibilities for perpetual care add to the cost burden.

Table 5: Benefits and Challenges of Conventional Municipal Cemetery System, Source: LEES+Associates.

The City of Lewiston inters just under 100 decedents each year. Cemeteries with service volumes greater than 100 interments a year are governed by many different structures across North America, including:

- Local Government Direct Service Provision within a Department;
- Non-profit organizations specializing in cemeteries;
- Joint Municipal/Regional cemetery operations organized as non-profits for the purpose of cemetery services;
- Religious organizations;
- For-profit organizations;
- Native American organizations, and
- Special case State Government cemeteries.

The cemetery’s current governance model has proven effective in meeting and managing the current level of demand and needs of Lewiston. However, there is one skill set that could be added to the Commission to enhance the overall effectiveness of the group’s oversight. That would be an expert in financial and business management (particularly in the areas of cemetery partnerships, sales and promotions). With this additional insight, the Commission will be equipped to more effectively:

- Assess financial performance and reporting within a discrete business unit (e.g. type of interment or cemetery customer);
- Respond with agility to changes in the marketplace, and



- Respond to and capitalize on private sector marketing strategies, expertise and partnerships in service and product provision.

A Commission member (or a staff member) with this expertise would effectively guide Normal Hill Cemetery towards a self-sustainable business model that meets the goal of minimizing the load on the tax base. This role would be responsible for monitoring the cemetery's performance metrics and financial reports, and with this additional insight the Commission could optimize its governance model to better consider and address the following elements of its future mandate:

- Long term Council direction arising from the adoption of the proposed recommendations included in this master plan;
- Medium and short term goals established annually by the Commission and approved by Council;
- Annual marketing activities derived from the Cemetery Master Plan;
- Annual capital projects arising from an approved Capital Plan guided by the concept design in the Cemetery Master Plan, and
- Staffing, sales and operations performance objectives and approved strategies.

4.2 SITE OPERATIONS

HUMAN RESOURCES

There is only one dedicated full time position for Normal Hill Cemetery, the role of Park Technician. This poses a problem when that individual is away on holidays or otherwise away from the site. All other City staff who work with the Normal Hill Cemetery also work for other areas of the City's Parks and Recreation facilities (golf courses, parks, recreational programming, etc.)

CARE AND MAINTENANCE

For many years, Normal Hill Cemetery was maintained by seasonal staff (4 or 5 individuals) and up to two full time City employees. Under the current system, Normal Hill contracts crews of Red Shirt laborers (inmates from the Idaho Department of Corrections) for the cemetery site's maintenance. These workers are overseen by the City Grounds Maintenance Supervisor. The Department of Corrections contract is renewed annually. Red Shirt crews of 4 to 5 men and one full time City employee regularly undertake tasks including:

- Lawn mowing, watering, edging and spraying;
- Tree, shrubs and flower pruning/removal;
- Minor irrigation and grave marker repair and maintenance;
- Seasonal tasks, including spring cleanup, fall leaf removal, and winter snow removal;
- Incidental tasks, such as planting beds; storm cleanups, weed/pest control, and gravesite leveling, and
- Incidental infrastructure tasks (the maintenance of roads, curbs, fencing and signs).

The 2003 Normal Hill Cemetery Master Plan Foundation by graduate student Amy Fisher reported that 94% of the community was satisfied or very satisfied with the care and operation of the cemetery and that the majority were satisfied with the condition of the turf and shrub maintenance. During the community Open House in October 2015, many cemetery visitors and neighbors indicated that the quality may have decreased since that time, voicing specific concern over the grass cutting and weed control during the fire season when the Red Shirts were not available for cemetery maintenance.



During the site tour, the LEES+Associates team observed some leaning grave markers, but found the site in a state that would generally meet public expectations and the standard of similarly sized communities.



Figure 13: Normal Hill Cemetery Headstones, Source: LEES+Associates July 2015.

There is currently no set schedule at the cemetery for maintenance, so crews undertake tasks as needed. This differs from the department-wide standard operating procedures documents used by Parks and Recreation for the planning, organizing, scheduling and executing the maintenance for green space, parks, related structures and equipment.

Cemetery staff also do not record the amount of time and costs required for tasks at the cemetery site, which makes it difficult to set performance and improvement targets and estimate the costs - or savings - associated with changing the standards.

It is an industry best practice to follow a cemetery maintenance schedule and for staff to fill out a time, task and cost information on a regular basis. These measures have the potential to gain operational efficiencies, track staff performance and identify cost patterns useful for forecasting purposes.

OPENING AND CLOSING GRAVES

Opening and closing of graves is primarily outsourced to Wilbert Precast Inc. (Wilbert) of Spokane, Washington. The City has been contracting for opening/closing services with Wilbert since 1985, when the company purchased Blimka Vault Works, Inc. Wilbert is responsible for all staffing, equipment and insurance for providing these services. City staff only inters cremated remains that come to the office and have no funeral service date, time or family attending the interment.

City staff cannot recall when the last time the contract for burial services was offered for tender to the public. Wilbert's service is cost effective, but it is also below average in quality, compared to that witnessed by staff and funeral directors at other cemeteries. There have been reports of torn and dirty greens, older mechanical equipment, lowering devices that are not reliable and concern surrounding unprofessional appearance of staff serving families on site.

The current arrangement between the City and Wilbert's is not typical. Most municipal cemetery systems comparable to the City's size have their Public Works or Parks staff provide the graveside setup and opening and closing service. The graveside setup normally includes, at a minimum:



- Placement of boards around the edge of the opened grave;
- Covering of the boards with 'greens';
- Setup of the lowering device, and
- The removal and storage of the greens, planks and lowering device after the burial.

Chairs and a canopy are sometimes included as part of the graveside setup for an additional fee.



Figure 14: Municipal Grave-side Setup,
Source: LEES+Associates.

STANDARD OPERATING PROCEDURES

The City has standard division-wide Standard Operating Procedures (SOP's) for the Parks and Recreation department, but nothing specifically set out for cemetery operations.

Adherence to SOPs for all aspects of the cemetery service is essential to the safe and consistent delivery of the service to the standard set by the City and expected by the community. Cemetery SOP's describe the standards, methods and processes associated with, but not limited to:

- Care and maintenance;
- Safe operation equipment and of the cemeteries;
- Accurate measurement and grave locating prior to opening and closing;
- Opening and closing;
- Graveside set up;
- Funeral home liaison and coordination;
- Cemetery records management, and
- Customer service.

Adherence to SOP's would ensure the City is acting consistently with the Cemetery Code. SOP's in both municipal and private cemetery systems are considered a best practice. The City does not currently have complete and comprehensive set of SOP's for cemetery operations.

4.3 CEMETERY SERVICE ADMINISTRATION

CUSTOMER SERVICE + CUSTOMER SALES CYCLE

The City administers the cemetery services from the Cemetery Operations building, on-site. Space is limited at the office, with the building filled to capacity with Parks, Forestry and Cemetery staff and equipment. There is a nominal space for the Red Shirts to store their clothing.

Approximately 20% of customers go into the cemetery office to ask for information or make a purchase. City staff do not currently keep consistent office hours at the cemetery, so this service is only available on an ad hoc basis. There is no designated family room available for meeting



privately to discuss a family's needs. If a sale is made when a customer comes to the office, the customer's payment must be processed off-site at the community center.



Figure 15: Mountain View Cemetery Customer Service Building and Celebration Hall, Vancouver, British Columbia. Source: LEES+Associates.

While the physical setting is a major limitation to the quality of service that can currently be provided by the City, there are still several opportunities for the City to increase the value of its service. For instance, offering to accommodate the traditional burial needs of ethnic, Native American and religious groups in the community.

Currently, the majority of customers discuss their choice of disposition and interment needs with funeral home staff. If cemetery products are required, the funeral home confirms with cemetery staff the availability and location of the needed interment space. The customer then completes the paper work and payment for cemetery product with the funeral home. Funeral home staff initiate contact with the cemetery staff to arrange the interment date and time, and to pass on customer information and payment.

Three funeral homes in Lewiston are responsible for the majority of sales to the cemetery: Vassar-Rawls Funeral Home and Crematory, Malcom's Brower-Wann Funeral Home and Merchant Funeral Home. All are private, family owned and operated businesses that have served the City for many years.



This referral process is an informal arrangement based, it is presumed, on Normal Hill being the best match for the customer's needs; there are no incentives in place to encourage referrals to Normal Hill and the funeral home staff facilitate sales to other cemeteries as well as Normal Hill – there is no known exclusivity or incentive arrangement.

The vast majority of customers purchase cemetery products when they are at-need. City staff report there are 2 to 4 pre-need contracts open at any given time. There is a Pre-need Protection Plan described inside the cemetery brochure but it is not known to what degree funeral homes encourage bereaved family members to consider pre-need purchases for their own future needs.

A comparative price list of cemetery charges is used by staff at Vassar Rawls Funeral Home and presents Normal Hill as one of three cemetery options. It is notable that this price list presents an incomplete list of the product offerings available at Normal Hill. For example, mausoleum niche and crypt interments are not listed.

The Masonic Section of Normal Hill Cemetery is managed independently by the Masons of Lewiston. Customers wishing to purchase lots in this area are helped directly by the Masons.

While the standard of service provided by the City and funeral homes is considered to be generally meeting community expectations, City staff do not currently have customer feedback forms and records of phone requests or assistance are not kept.

In the bereavement sector, it is found that increasing staff engagement in cemetery services correlates to increased customer satisfaction and more families choosing a particular cemetery for their interment and memorialization needs. Therefore, it is strongly encouraged that City staff become more engaged with the families requiring Normal Hill Cemetery services.

While the current level of demand does not warrant another member of staff dedicated full time to administer the cemetery service, it would be prudent if there is at least one or two additional people who are trained in the role of cemetery administration and sales to support the cemetery team. This individual(s) should be trained to cover for the Parks Technician assigned to the cemetery, should they become unavailable for either a short or extended period and to carry out delegated cemetery support tasks including records management and updating and customer service on a part time basis.

It is recommended that staff assess the optimum amount of additional hours required to assist in managing the cemetery service, and the appropriate staffing mechanism for doing so e.g. a portion of an existing staff member's role dedicated to the cemetery, a new part-time role, or an on-call casual employee.

4.4 RECORDS MANAGEMENT

The City is currently using *Microsoft Access* for cemetery records database and *Tyler Munis* for its financial management. While some staff are proficient and comfortable accessing cemetery records through this system, the current records management system does not meet with best practices and presents the following challenges including, but not limited to:

- Some staff lack familiarity with the current system and struggle to use it effectively;
- The current system lacks online access to the City database (in a modified form) so the public can access and view the records (such as the location of grave sites);



- The current system does not effectively link the cemetery records to the financial system to create informative performance reports for each cemetery product or service;
- The inability to adequately interrogate the records e.g. to review sales patterns and to gain other trend related insights with which to plan, and
- Significant time and effort is required to assemble and provide information in a comprehensive form (performance reports) when requests are made.

The purchase of cemetery records management software such as Stone Orchard Software, which integrates accurate electronic maps of grave locations, would enable the City to meet best practices while delivering the following advantages to the City and the community:

- Simple, efficient, secure, accurate record keeping, performance tracking and retrieval;
- A reduction in staff time needed to respond to requests for information, and
- Enable cemetery records to be accessed remotely by staff and the public, to easily locate a grave and be used as an historical, educational and genealogical resource.



Figure 16: Stone Orchard Cemetery Records Management Software, Source: LEES+Associates.

In addition to the cemetery management software and electronic maps, the **iCemetery app** for smartphones would be a significant addition to the City's range of options for serving customers and for timely, convenient grave locating by staff without having to refer back or return to the office.

iCemetery would also help the funeral directors that work with the City and their sales staff, who will be able to better inform potential customers about site availability and location as well as proximity to existing family lots. It is an affordable, easy to use solution that takes advantage of the power of GIS and cemetery records management software.

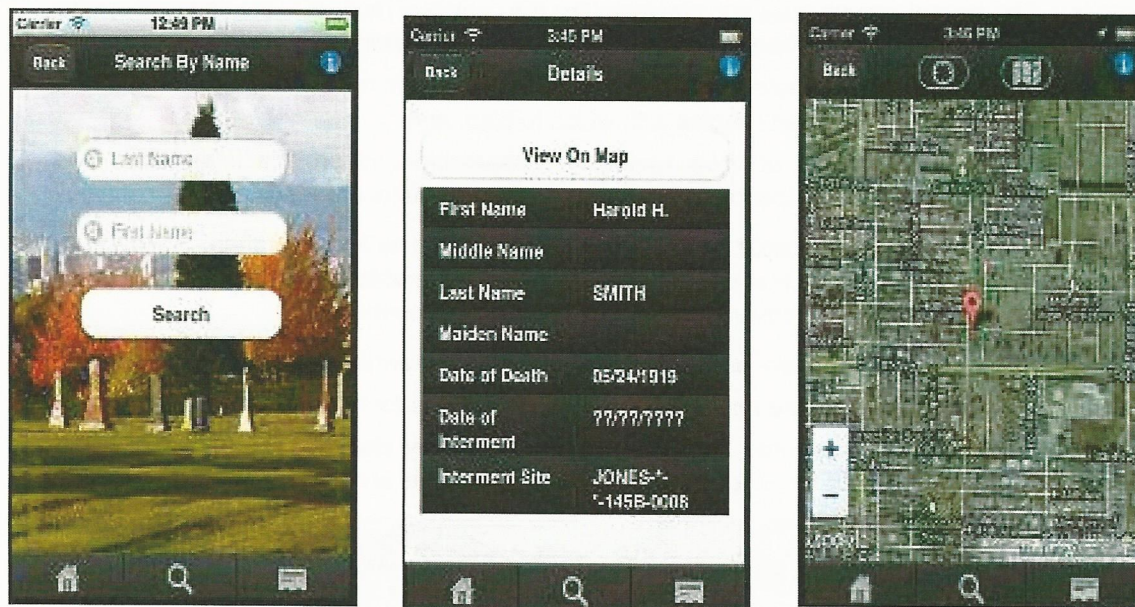


Figure 17: iCemetery Screenshots, Source: LEES+Associates.

4.5 RECOMMENDATIONS: GOVERNANCE + OPERATIONS REVIEW

It is recommended that the City:

- Add financial and business management skills to the Cemetery and Urban Forestry Commission or staff to guide financial management;
- Tender the opening/closing services at Normal Hill Cemetery;
- Create a cemetery maintenance schedule;
- Capture time, task and cost information associated with all cemetery related services, including management;
- Train additional City staff to support the cemetery team and assist in administering the City's cemetery service;
- Organize the staff resourcing so that calls can be consistently taken during pre-determined office hours (e.g. 9 am to 5 pm);
- Assess the additional hours required to assist in managing cemetery operations and determine the appropriate staffing support to supplement the Cemetery Manager role;
- Prepare a cemetery customer feedback system (e.g. recording phone calls and providing cemetery service feedback forms at funeral homes and at the City office);
- Renovate and/or expand the cemetery building to create a more professional office that facilitates a positive customer experience. This should include a dedicated family room or quiet, comfortable flex space at the City Hall, where bereaved families can meet with staff;



- Develop cemetery Standard Operating Procedures that are consistent with the standard division-wide SOP's for the City Parks and Recreation department, and
- Invest in user-friendly, cemetery records software e.g. Stone Orchard Software and iCemetery App linked to electronic maps of graves. Train staff to use these tools effectively.
 - Estimated **\$15,000** for the initial software purchase and another **\$5,000** for the Conversion and Digitization of records into Stone Orchard.

5 PRODUCT AND SERVICES REVIEW

This chapter reviews current product and service practices and trends at Normal Hill Cemetery, identifies opportunities for new revenue streams, and compares the City's prices and diversity of offerings to other cemeteries in the State of Idaho and across North America.

5.1 OFFERINGS DIVERSITY

CURRENT OFFERINGS

The City currently offers residents of Lewiston traditional in-ground casket burial and cremation burial, as well as interment in mausolea niches and crypts with distinct service rates for adults, infants, double depth, caskets and cremated remains. According to the fee schedule, disinterment is also offered to families at the same rate of service for each type of interment.

Products and services not available or not listed on the Fee Schedule for Normal Hill Cemetery, but which are offered and listed at other North American municipal cemeteries include:

- Columbaria Niches;
- Cremation scattering areas (gardens, ponds);
- Green Burials;
- Memorial walls, trees, wreathes and benches;
- Designated Veteran area;
- Grave-side services (for religious groups), and
- Community and Family vessels.

Additional information concerning the nature of each of these interment options can be referenced in "**Appendix F – Cemetery Products and Services Descriptions.**"

Normal Hill Cemetery and its expansion lands would not be an ideal setting for green burial, however there is another site with space which the City could consider for further future expansion that would be well suited for green burial. This proposed site is a parcel of land adjacent to the City of Lewiston's **Community Park**¹².



Figure 18: Family Vessel,
Source: LEES+Associates.

¹² City of Lewiston Community Park - <http://cityoflewiston.org/index.aspx?NID=507>



In 2004, Lewiston acquired over 150 acres of property in the Orchards for a future Community Park through a grant from the federal Land and Water Conservation Fund. Baseball fields, tennis courts, soccer fields, an amphitheatre and many other recreation facilities were planned at this location area north of Warner Avenue as funding is found. Some of this land could be repurposed for a new Green Burial site in the long term.



Figure 19: Green Burial Service, Royal Oak Burial Park, Victoria BC, Source: LEES+Associates.

POTENTIAL PARTNERSHIPS IN EXPANDING OFFERINGS

Entering partnerships is a common strategy that could increase product and service diversity, as well as the community's use of Normal Hill Cemetery.

There are several North American industry precedents for municipal cemeteries partnering with private organizations (funeral homes and monument companies) and non-profits to offer crematoria, visitation facilities, community programming, enhanced service offerings and contributions to public memorialization. Common benefits of working with a private partner is their expertise in running profitable cemeteries, their professionalism, their ability to achieve economies of scale and the opportunity to leverage their network of private resources.

Partners that have historically worked with Normal Hill Cemetery to some extent include local fraternal organizations such as the Masons, Independent Order of Odd fellows (I.O.O.F.) and the Knights of Pythias. These organizations and new potential partners could work further with the City to expand product and service diversity, produce cemetery marketing material and increasing community awareness of Normal Hill Cemetery.

New potential partners include:

- **Private Industry** – Merchant Funeral Home, Vassar-Rawls Funeral Home, Malcom's Brower-Wann's Funeral Home and Mountain View Funeral Home;
 - Bereavement sector resources available to this organization could support the future diversification of products and services at Normal Hill Cemetery.
- **The Knights of Columbus – Idaho State Council;**
- **Veteran Organizations – The American Legion;**
- **Nez Perce County Historical Society and Museum;**
- **Twin Rivers Genealogy Society¹³;**
- **Jenifer Junior High School, and**
- **Lewis-Clark State College Center for Arts & History.**

The value of partnerships directly correlate to the care in which the terms of the agreement are negotiated. Relationships with partners in range from providing volunteers, sponsoring events to the purchase and sale of products on consignment (such as columbaria, mausolea, urns, etc.) to full public-private partnerships for capital intensive facilities.

¹³ Twin Rivers Genealogy Society <http://twinriversgenealogy.weebly.com/>



5.2 CEMETERIES PRICING REVIEW

The City last increased cemetery rates in 2006. These changes were met with general acceptance by the community. At that time, regional cemeteries were surveyed and Normal Hill's prices were compared to these other cemeteries in the area. Local funeral homes were very supportive of the City's decision to increase Normal Hill's prices.

In a process similar to the effort undertaken in 2006, LEES+Associates compared the current 2015 municipal cemetery prices to the rates offered by other regional cemeteries in communities with a similar market profile in order to identify the following key pricing benchmarks. The following table summarizes the key findings of this benchmarking study.

Product + Services	Normal Hill	Average Regional Rate	National Average Rate ¹⁴	Comparison to Normal Hill (NH)
Adult Casket Grave	\$1,162	\$887	\$1,000 to \$1,500	NH is higher than the Regional Average and on par with the National Average.
Adult Casket Opening/Closing	\$693	\$570	\$600 to \$1,000	NH is higher than the Regional Average and lower than the National Average.
Cremation Grave	\$314	\$640	\$500 to \$900	NH is lower than the Regional and lower than National Average
Cremation Grave Opening/Closing	\$440	\$343	\$250 to \$500	NH is higher than the Regional Average and on par with the National Average
Cremated Remains Niche	\$1,034	\$1,031 – \$1,760	\$1,000 to \$4,000 (depending on height, orientation and quality)	NH is on par with Regional Average and lower than the National Average
Cremated Remains Niche Inurnment	\$378	\$233	\$200 to \$500	NH is higher than the Regional Average and on par with the National Average.

Table 6: City Cemetery Prices Compared to Regional + National Benchmarks, Source: LEES+Associates.

Note the above listed rates are fee totals, which includes the Perpetual Care Fund contributions. In addition to the above findings, this price benchmarking study found that Normal Hill Cemetery is:

- On par with average rates for Infant Graves and above average for Infant Burials fees, and
- Below the average rate for mausolea nationwide (crypt prices vary significantly but they are usually no less than \$2,000 per crypt).

Additional details concerning regional cemetery pricing can be found in “**Appendix G – Cemetery Price Benchmarking Study**”.

A best practice for North American cemeteries is to increase fees annually, at minimum by the rate of inflation. American inflation has historically ranged between 0.2% and 4.1%¹⁵ over the past decade, usually averaging about 2% per year.

¹⁴ LEES+Associates pricing benchmark studies, 2010 to 2014.

¹⁵ American Inflation, <http://www.usinflationcalculator.com/inflation/current-inflation-rates/>



According to the Lewiston City Code Sec. 11-49. Cemetery fees states, "All cemetery fees for purchase of lots, crypts or niches, perpetual care, opening and closing of graves and other fees shall be established by the City Council by resolution which shall remain in full force and effect until amended or repealed by subsequent resolution." Therefore City Council will need to update the City Code to allow for automatic, annual increases should it choose to follow this industry practice.

In addition to the challenges surrounding fee changes, the City website does not currently have a dedicated Cemetery webpage, where Normal Hill Cemetery fee's schedule is easily findable by the public. The cemetery brochure and fee schedule is possible to find via a Google search and can be obtained indirectly from the City website as an archived PDF document, but not as a conveniently accessible document.

In addition to distribution of the fee schedule online and at the on-site office, funeral homes that work with the City have pricing sheets that they share with customers, however these have been noted to be incomplete and not well enough presented to effectively attract families to Normal Hill Cemetery.

RESIDENTS AND NON-RESIDENTS

The City has not historically tracked the residency of decedents or charged non-residents higher rates for either interments or pre-need lot sales at its cemeteries.

North American municipalities commonly define the period of residency required preceding the purchase of a burial as being **1 year**. A few communities extend this period to as high as 5 or 10 years. City of Lewiston and the State of Idaho does not currently define a period of residency in its Cemetery Code.

Non-residents commonly pay **15% to 25%** higher cemetery fees than residents at many municipal cemeteries. When deciding criteria for residency, it's important to consider that while reclassifying customers as non-residents often increases revenue, there is also a small risk that it could also decrease sales, as non-residents may choose to be interred elsewhere.

5.3 KEY FINDINGS: PRODUCT AND SERVICES REVIEW

- **Normal Hill Cemetery offerings are limited in diversity** compared with other cemeteries in the United States;
- **In-ground Cremation Grave Rate** in Normal Hill Cemetery is **significantly lower** than at all other benchmarked cemeteries across the Region;
- **Adult Opening / Closing Rates + Cremated Remains Niches** for Normal Hill Cemetery is on par with the average of benchmarked cemeteries across the Region, but lower than the National average, and



- **All Other Fees** at the City cemetery are on par or higher than the average of benchmarked cemeteries across the Region and the National average.



Figure 20: Mountain View Cemetery, Community Vessels and Columbaria, Vancouver, B.C.
Source: LEES+Associates.

5.4 RECOMMENDATIONS – PRODUCT AND SERVICES

It is recommended that City of Lewiston:

- **Diversify cemetery product and services.** Add columbaria niches, scattering gardens, community and family vessels, and a variety of new memorial products (memorial walls, inscribed plaques, vases, wreathes, etc.) to the cemetery's offerings;
- **Define "resident"** in the Cemetery Code, as anyone who lived within City limits for a minimum of 1 year;
- Advise Wilbert of the intended rate increases as per the terms of their City contract, at least 60 days prior to end of the current fiscal year and prepare a Lease Amendment;
- Advise the community that cemetery rates will be increased - in part to facilitate development of the cemetery expansion lands and expand service offerings;
- **Increase prices annually, at minimum, by the rate of inflation, and**
- **Raise product and service prices** to align rates with the benchmarks and improve the City's cost coverage. Specific recommendations for price changes include:
 - Add a non-resident rates for each cemetery lot. 25% on top of the resident rate;
 - Increase resident cremation graves to \$650;
 - Increase resident adult opening / closing rates to \$750;
 - Increase all single niche resident rates to \$1,250, and
 - Increase all double niche resident rates to \$2,000.
- Add a fee for the interment of ashes in a scattering garden of \$200 once these gardens have been added to Normal Hill Cemetery;



- In the long term, consider the development of a separate Green Burial site at the City of Lewiston Community Park, and
- Initiate discussions with potential community partners. Acknowledge future partnerships in marketing materials, on social media, and on the City website.



*Figure 21: Sunnyside Cemetery, Scattering Garden and Memorial Wall, Long Beach, California
Source: LEES+Associates.*

6 FINANCIAL PLAN

This chapter includes a review of the City's historic and projected financial performance of its cemetery operations, an assessment of key performance indicators, and an analysis of the cemetery system's perpetual care and long term sustainability.

6.1 FINANCIAL PERFORMANCE + POLICIES

REPORTING: REVENUE, EXPENSES + PROFIT/LOSS

The City currently only produces one set of annual financial statements, their Comprehensive Annual Financial Report (CAFR)¹⁶. The City does not generate annual financial reports for Normal Hill Cemetery alone. Industry best practice is to maintain a set of cemetery accounts separate from

¹⁶ <http://www.cityoflewiston.org/index.aspx?NID=364>



the rest of City Operations. Usually these reports are “profit and loss” or “income statements” (revenue, expense and net balance reports).

The primary revenue source for Normal Hill is the “General Property Tax”, an annual allocation of \$80,000 each year from the City’s general tax fund to subsidize cemetery operations. Cemetery also receives an “Inter-fund Transfer”, a \$25,000 per year allocation from the Perpetual Care Fund (PCF) to the Cemetery Operating Fund. **36% of revenue is from cemetery sales.**

Currently, there is minimal tracking of performance indicators for the cemetery. The City’s limited number of revenue/expense accounts makes it challenging to accurately assess the performance of individual cemetery products, services and pre-need sales plans. City’s planning would benefit from tracking sales by interment type (casket burial / urn burial / niche / crypt), need type (at-need/pre-need) and client type (resident vs non-resident).

On the expense side, the City also has an opportunity to improve performance tracking by grouping costs by function (e.g. customer service, management, sales, maintenance, and burial services) to measure the cost effectiveness of each segment of operations. Software often has special codes that can be assigned to cost types, which can enable the generation of report by activity. For instance, grouping maintenance costs together would be a helpful tool in accurate PCF planning.

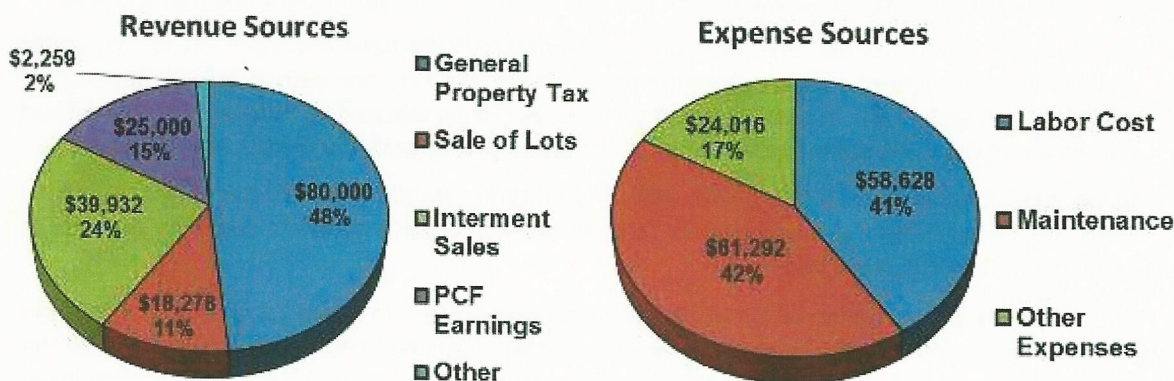


Figure 22: Normal Hill Cemetery Expense + Revenue Sources 2012 to 2014, Source: LEES+Associates.

HISTORIC CEMETERY OPERATING FUND PERFORMANCE SUMMARY

From 2012 to 2014, the City’s Cemetery reported an annually average of:

- **\$22,000 profit**, after an annual allocation of \$80,000 from the City’s tax fund to subsidizes its cemetery operations and a \$25,000 annual transfer from PCF earnings;
- **\$83,000 loss** without the City tax base allocation and transfer from the PCF;
- **\$165,500 in revenues**. Revenues have increased 9.9 %;
- **\$144,000 in expenses**. Overall cemetery expenses have increased 5.5% over 3 years;
- **\$58,700 in labor costs**. This accounts for 41% of cemetery expenses;
- **\$61,300 in maintenance costs**. This accounts for 42% of cemetery expenses, and
- **\$4,137.50 revenue and \$3,600 expense** per acre of cemetery land.

Additional details concerning the historic financial performance of Normal Hill Cemetery can be found in “**Appendix H – Accounting Practices + Performance**”.



In North America, maintenance usually account for 50% to 70% of total cemetery costs. The City currently has a lower proportion of its expenses (42%) allocated to maintenance than is typically seen in the industry. Increases in contracted services, operating supplies and equipment expenses have driven cost growth, while cemetery labor costs have actually declined over the past 3 years.

In the past 3 years, total cemetery operations cost amounts to **approximately \$3,600 per acre of cemetery land**. This includes all expenses related to opening and closing of graves, maintenance, administration, accounting and customer service. This is unusually low for North American municipal cemetery and indicates there is very strong cost control at Normal Hill Cemetery.

PERPETUAL CARE FUND STATUS

An introduction to the Perpetual Care Funds, their purpose and the State of Idaho's legislation regarding these funds can be found in "**Appendix I: Perpetual Care Overview.**" This section focuses on reviewing the current status of City's current PCF and its related Fund policies.

The City currently allocates **10%** of the sales price to the PCF for each grave, crypt and niche sold. The City deposits this fee in a separate Fund, distinct from the Cemetery Operating Fund.

At year end, the City makes an annual State-driven inter-fund transfer of **\$25,000** from the PCF to the Cemetery Operating Fund and makes use of it for the current year's care and maintenance.

In the past 5 years, interest rates for municipal cemetery PCFs have averaged 2% to 5%, under conservative investment policies. Over the past 3 years, the City has earned an average annual **2.8% interest** and **11.2% in market gains** on its PCF. During this period, interest slightly declined but remained relatively stable. However, market value gains sharply decreased from 19% to 6%.

Since 2012, the City's PCF has grown **35%** and currently stands at a balance of approximately **\$884,000**. At the historic average interest rate, this would currently generate cemetery revenue of approximately **\$24,750** per year.

The industry's best practice is for North American cemeteries, to leave all interest earned and market gains within the PCF to enable substantial growth from the compounding of income earned by the cemetery's investment. However, under the circumstances where the investment principal is large and returns are consistently strong, it is reasonable for a municipality to withdraw some of the Fund's annual earnings and apply it against present day maintenance costs.

6.2 FINANCIAL SCENARIOS

To identify the best strategy for the City's financial plan, two scenarios were compared: "**Scenario 1: Maintaining Status Quo**" and "**Scenario 2: Marketing + Price Growth.**"

On the revenue side of the equation, the financial estimates are related to market conversion (number of local families who choose to be interred in the cemetery system), annual price increases, and adjustments to the pricing schedule. Market conversion is assumed to increase when a cemetery invests in additional sales and marketing initiatives.

On the expense side of the equation, costs are related to inflation and prearranged contract agreements that exist (if any).

Graphs illustrate the key aspects of each scenario. Projected revenues, expense and profits or losses over the next 25 years are also shown. A discussion of the scenarios concludes this chapter.



BASE ASSUMPTIONS

The following assumptions are incorporated in each of the financial scenarios in this master plan:

- Demographic trends will define the demand drivers for future revenues;
- Market capture will not change significantly in the next 50 years, unless the City invests further in community engagement, customer service, marketing and sales;
- Annual cost increases will equal the historic, average rate of inflation of 2% per year¹⁷;
- The City will have sufficient inventory and will develop new cemetery land as needed. The City will use the available expansion lands to continue providing services and the site will remain active for the next 50 years;
- "Maintenance Expense – Active " represents the costs of maintaining Normal Hill Cemetery as an active site;
- "Maintenance Expense – Inactive " represents the costs of maintaining the Normal Hill Cemetery as an inactive site. Maintenance decreases at inactive sites due to less site traffic. Consequently, costs typically decrease to 50% of that of an active cemetery;
- Forecasts do not include the costs for land development, products (e.g. columbaria) and new site infrastructure needed to meet demand in any of the proposed scenarios;
- Cemetery Property Tax allocations will continue at the historic rate of \$80,000 per year;
- PCF contributions will continue at the historic rate of 10% of all lot sales each year;
- PCF withdraws will continue at the, historic rate of \$25,000 per year;
- PCF interest will continue at the average, historic rate of 2.8% per year, and
- Annual market value gains on the PCF will earn a minimum 3.0% per year (half the lowest rate reported in the past 3 years).
 - Given recent earnings decline and market instability, it is appropriate to apply a conservative estimate to future projections.

¹⁷ USA Inflation Calculator <http://www.usinflationcalculator.com/inflation/current-inflation-rates/>



6.3 SCENARIO 1: MAINTAINING STATUS QUO

The following graph summarizes the projected financial position of Normal Hill Cemetery over the next 50 years under Scenario 1, assuming nothing changed in future operations.

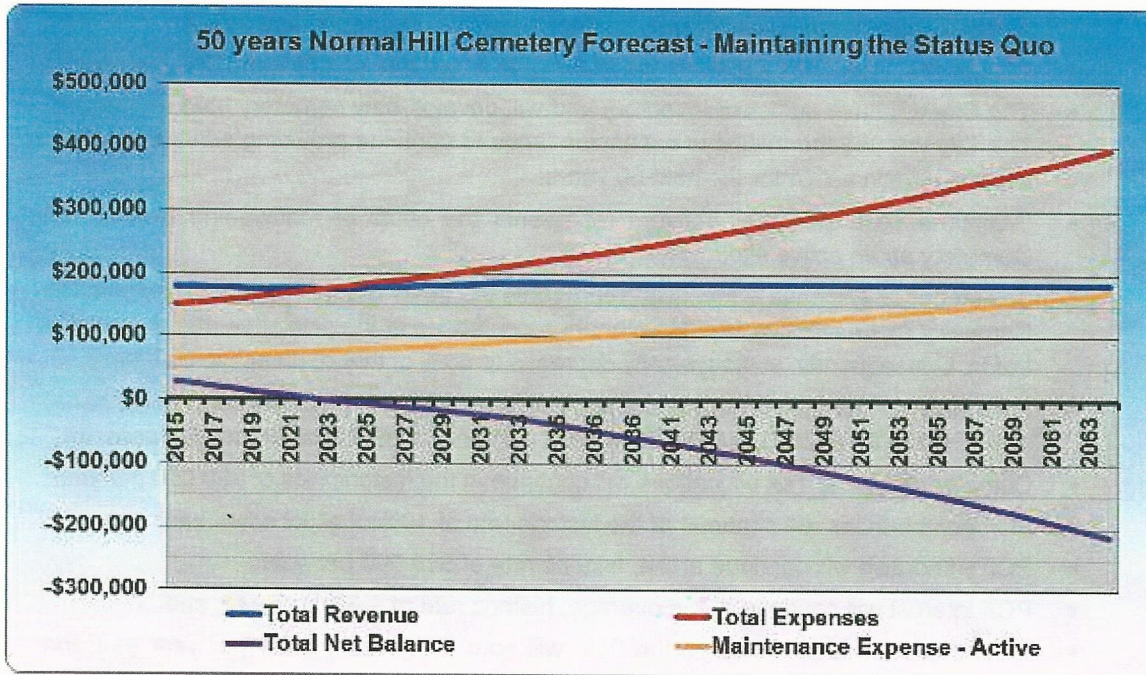


Figure 23: Normal Hill Cemetery Scenario 1 - Maintain Status Quo, 50 Year Forecast,
Source: LEES+Associates.

The upcoming passing of the “Baby Boom” generation will boost sales and steadily increase revenue growth over time. This temporary market boost from the passing of this large group will begin to diminish around 2035.

However, even with this positive trend in the short term, if status quo conditions are maintained, Normal Hill Cemetery will begin to record to an **annual loss within 10 years**, increasing to a loss of \$200,000 per year within 50 years.

Casket burial lots currently generate a greater profit margin per grave than cremation in-ground burial lots do. Casket burials are expected to decrease in the future, and the increased volume in cremation products and services are not expected to be able to compensate with their lower profit margins at today's prices. Therefore, if Normal Hill Cemetery never increased their prices in the foreseeable future, then the rate of inflation can be expected to consistently erode the City of Lewiston's cemetery profits.



The following graph highlights the forecast PCF balance, interest income and the maintenance costs to be covered under Scenario 1.

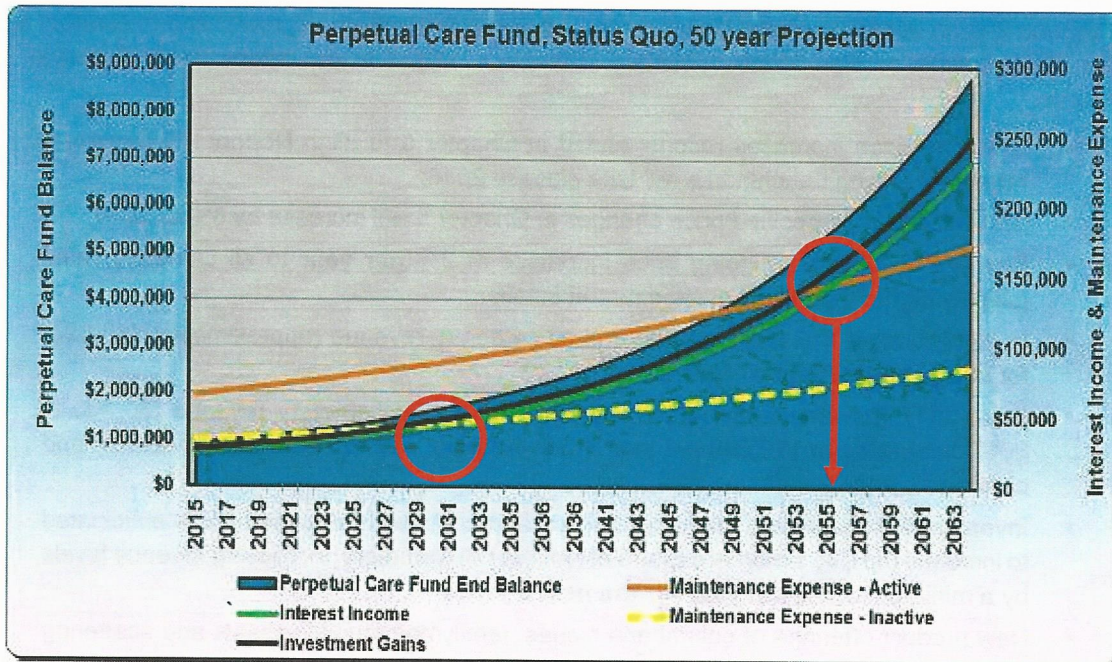


Figure 24: Normal Hill Cemetery Perpetual Care Fund Forecast Scenario 1 Maintain Status Quo, 50 Year Forecast, Source: LEES+Associates.

In this scenario, the PCF balance will increase to approximately **\$8.7 million** by 2064. This will generate an interest income of about **\$244,000** per year at interest rate of 2.8% per year.

PCF sustainability, as a performance measure in this study, means there is no gap between interest income earned by the PCF and the future, annual maintenance costs at Normal Hill Cemetery.

The City will achieve sustainability at **inactive** maintenance levels within **16 years** (by 2031). The City will achieve sustainability at **active** cemetery maintenance levels within **41 years** (by 2056).

In 50 years, if Normal Hill Cemetery is still active, it will need \$172,000 per year for maintenance and total \$397,000 per year to continue normal operations. If the site was inactive, then it should only require about \$86,000 per year for basic site maintenance at the lower levels of traffic expected at the site.

If Normal Hill Cemetery were to become inactive in 10 years when existing inventory ran out, and the City did not develop the expansion lands (to continue collecting revenue and contributions to the PCF), then the PCF would not be large enough to independently fund cemetery maintenance and provide long term sustainability.

However, in our recommended scenario of developing the expansion lands, the City's PCF practices are considered to be sustainable and the City can expect to have a healthy Care Fund to be able to fund the ongoing care of Normal Hill Cemetery into perpetuity.



6.4 SCENARIO 2: MARKETING + PRICE GROWTH

Scenario 2 is an assertive model that increases revenue through price growth and implementing this master plan's recommended marketing strategy. Changes to operations under Scenario 2 include:

- One time price increases recommended in Chapter 5 to align Normal Hill Cemetery rates with pricing benchmarks will take place in 2016;
- Services without specified price changes in Chapter 5 will increase by **3% in 2016**;
- From 2017 forward, ongoing price increases of **3% per year** to all cemetery rates (slightly higher than the projected rate of inflation);
- In 2016, budget **5%** of anticipated annual cemetery revenue (approximately \$10,000) for sales and marketing initiatives;
- From 2017 forward, budget **3%** of anticipated annual cemetery revenue (\$6,000 in 2017, increasing to \$12,000 per year in 50 years) for marketing, customer service and community engagement initiatives;
- Investment in marketing, customer service and community engagement is anticipated to increase the City's market capture at Normal Hill Cemetery, increasing revenue levels by a minimum of **5% per year for the next 3 years**;
- New product offerings of columbaria niches, family/community vessels and scattering gardens are added to the cemetery offerings, and
- Every 5 years, the amount withdrawn from the PCF earnings **increases by \$5,000**, as annual interest increases in proportion to the growing Care Fund principal.

The following graph highlights changes to revenue, expenses and net balance in Scenario 2.

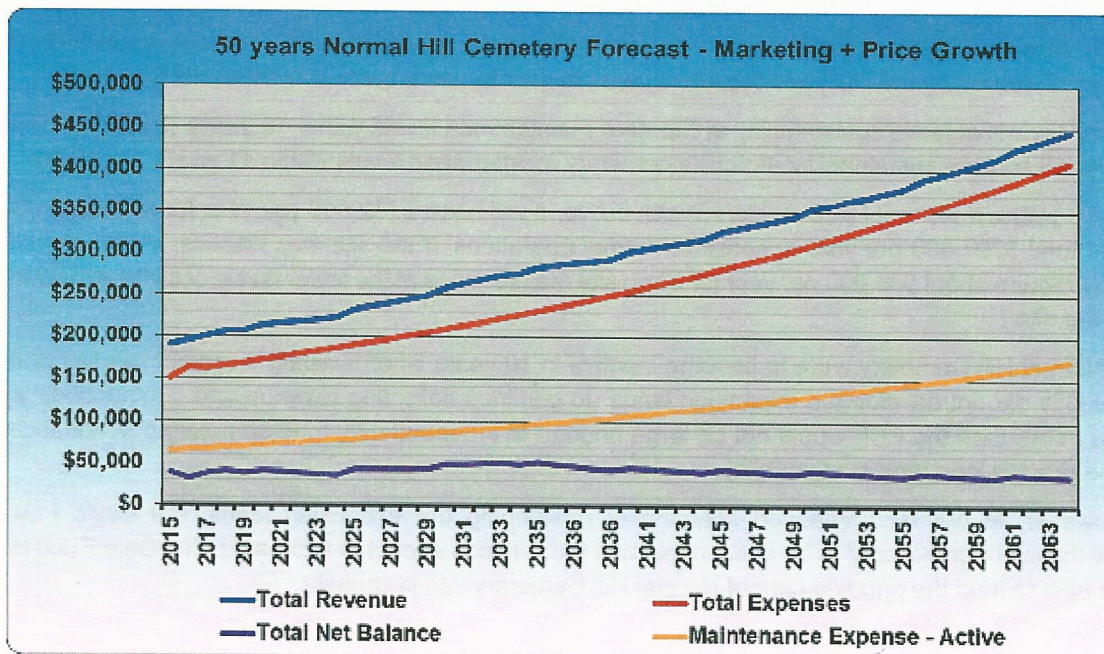


Figure 25: Normal Hill Cemetery, 50 Year Financial Forecast, Scenario 2 – Marketing + Price Growth, Source: LEES+Associates.



It is expected that under Scenario 2, Normal Hill Cemetery will maintain an average profitability of around **\$45,000 per year** for the next 50 years.

In the coming years, due to the growing cremation trend, the City will need to withdraw the annual interest from the PCF and implement an effective marketing strategy to maintain Normal Hill Cemetery's current profitability. This scenario assumes the City increases its annual withdraws from \$25,000 per year to **\$30,000 in 2020**, **\$35,000 in 2025**, and so forth.

This projection for revenue growth is intentionally conservative. More significant returns depend on successful implementation and maintenance of a strong cemetery marketing strategy. Cemeteries in North America consistently see a significant increase in sales after investments to increase public awareness. Historically, the City has not maintained a significant marketing budget (less than \$1000 per year) for Normal Hill Cemetery. If the new columbaria niches proposed for the expansion lands in this master plan attracts the degree of attention typically achieved by other communities with effective marketing, the return on investment could be 200% or more.

As Normal Hill Cemetery generates a profit over the next decade, it is recommended that excess income be contributed to a "**Cemetery Development Fund**" with an investment portfolio similar to that of the PCF. These funds can be used to develop new inventory on the Normal Hill Cemetery expansion lands and finance future projects at the cemetery, such as enhancing infrastructure and purchasing new land for future use.

The following graph highlights the forecast PCF balance, interest income and the maintenance costs to be covered under Scenario 2.

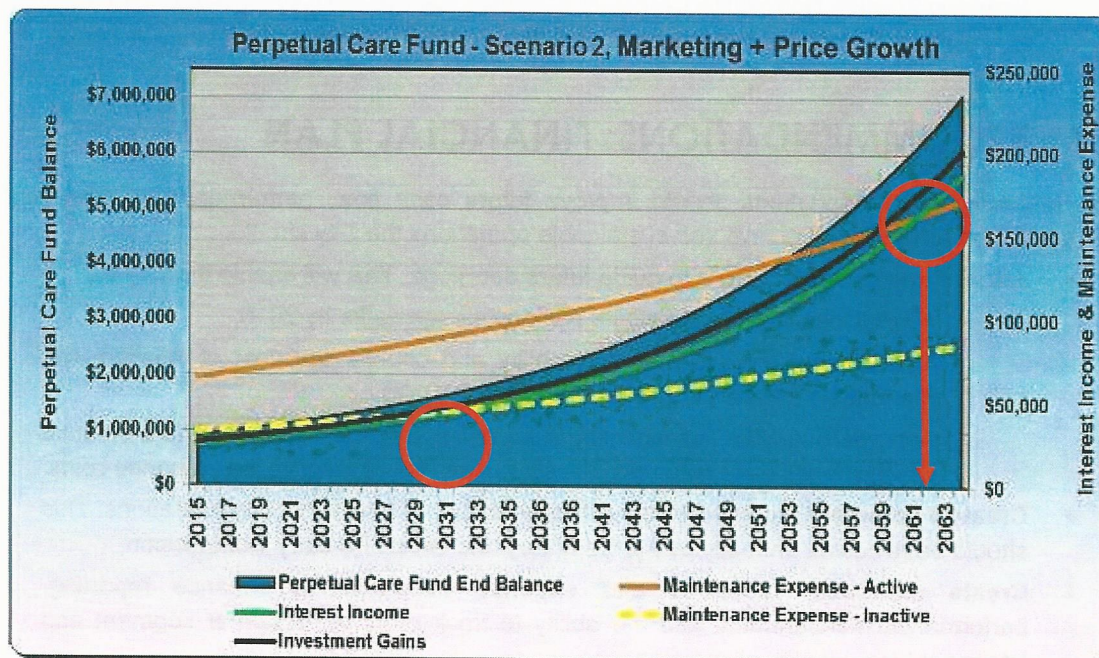


Figure 26: Normal Hill Cemetery Perpetual Care Fund Forecast, Scenario 2 –Marketing + Price Growth, Source: LEES+Associates.

In this scenario, the PCF balance will increase up to approximately **\$7.0 million** by 2064. This will generate an interest income of about **\$197,000** per year at interest rate of 2.8% per year.



The City will achieve sustainability at **inactive** maintenance levels within **17 years** (by 2032) and at **active** cemetery maintenance levels within **47 years** (by 2062).

PCF projections in Scenario 2 is very similar to that of Scenario 1, because the greater contributions in this scenario (from the increased revenue due to marketing and price increases) is equivalent to the proposed increases in withdrawals of interest income from the PCF.

In this way, the City can stabilize and potentially increase its profitability, while staying on track to achieve long term sustainability for its PCF in the next 25 years.

6.5 KEY FINDINGS: FINANCIAL PLAN

The key financial plan findings are that:

- Normal Hill Cemetery is currently reporting a profit, but is projected to begin reporting losses within a decade's time under status quo conditions;
- The City provides an annual allocation from property taxes to support cemetery operations. This is consistent with the majority of municipal cemeteries;
- Increasing prices to align with Regional and National benchmarks and investing in marketing to increase capture from surrounding areas will have a positive impact on revenue by attracting new customers and increasing the sales value per decedent, and
- Under the current trajectory, the City's PCF is adequately funded. Under Scenario 1 or Scenario 2, when Normal Hill Cemetery becomes inactive the City can expect the PCF to provide sufficient income to cover more than its basic cemetery maintenance needs.

6.6 RECOMMENDATIONS: FINANCIAL PLAN

The following recommendations should improve future cash flow, performance tracking and perpetual care funding. To achieve self-sustainable operations the City should:

- **Adopt Financial Scenario 2** to guide future decisions. This will enable the City to:
 - Align prices with Regional and National benchmarks by 2016;
 - Maintain current levels of profitability and counter the cost of inflation with reasonable annual price increases, and
 - Achieve long-term sustainability in 17 years, by growing the PCF to a balance which will generate sufficient interest to meet future inactive maintenance costs.
- **Create a cemetery income statement** independent of the rest of City operations. This should be reviewed annually by the Cemetery and Urban Forestry Commission;
- **Create additional revenues and expense accounts** to enhance reporting, performance measurement and the ability to track profit by customer segment and interment type. Identity all maintenance expense as a single cost group;
- Future profits should be transferred to a "**Cemetery Development Fund**". This will fund the development of new inventory and improvements to site infrastructure, and
- **Monitor the progress** of revenues, profit/loss and community response to ensure the cemetery plan is evolving as expected. Revisit the cemetery financial plan every 5 years to respond to changing market conditions.



7 MARKETING STRATEGY

Everything that is said and done to communicate Normal Hill Cemetery's offerings is considered marketing; from the cemetery's signage to the stories people tell their neighbors about buying their father's burial lot. Marketing is both formal and informal. The effectiveness of any marketing, however, is dependent upon the quality of service and sales process experienced by prospective and actual customers. This chapter reviews the City's current marketing presence, outlines industry benchmarks and presents recommended strategies and actions for improved performance.

7.1 CURRENT SITUATION

The City's Parks and Recreation department contracts a local marketing company to undertake specific tasks in support of its Recreation programs (for \$600/month). However, the City does not currently allocate funds specifically for the marketing, sales or promotion of Normal Hill Cemetery.

Although there is no marketing budget, the City does have some marketing presence in play: a series of cemetery webpages embedded within the City's website, a cemetery Facebook page and a print brochure with cemetery product and fee information that is available for pick-up in the building on site. The brochure is not uploaded to the cemetery web pages but is found if one does a Google search for "Normal Hill Cemetery and Fees". The cemetery does not organize nor host public events, but it does allow other organizations to do so as evidenced by the July 4 posting on the cemetery's Facebook page of an event at the site organized by the Lewiston Historical Society.

City staff identified 22 cemeteries in Idaho and Washington that are either direct competitors or cemeteries to learn from. Within the 22 cemeteries identified, 9 are owned by municipalities, 5 by district cemetery boards and 8 are privately owned. Of the municipal and district cemeteries, 7 are situated within a 2 hour drive of the City of Lewiston.

Of these competitors, the Evergreen Cemetery in Idaho Falls is the only other cemetery that has a page within another website (the City's) and a Facebook page. From the perspective of Vassar-Rawls Funeral Home pricing brochure, the City's main competitors are Vineland Cemetery, a district owned and operated cemetery, and Lewiston Clark Memorial Gardens, owned and operated privately by the Merchant Memorial Group.

The following table identifies how the City and its main competitors fare in relation to their websites. Please see **Appendix K** for further detail of the table below.

WEBSITE CRITERIA	Site Photos	Fees	Site Map + Info	Staff	Directions	Pre-Need Info	Contact Form	Other
<u>Normal Hill Cemetery</u> Municipal	2 historic	NO	NO	YES	NO	NO	NO	YES
<u>LC Memorial Gardens</u> Private	1 current	NO	NO	YES	NO	YES	YES	YES
<u>Evergreen Cemetery</u> Municipal	5 current	NO	NO	NO	NO	NO	NO	YES

Table 7: Competing Cemetery Websites Attributes & Features, Source: LEES+Associates.



7.2 CEMETERY MARKETING METHODOLOGIES

Historically, North American municipal cemeteries commonly invest **2% to 5%** of projected gross cemetery revenues into marketing, community engagement, and promotional initiatives.¹⁸

In 2013, LEES+Associates undertook a benchmarking survey of cemeteries that explored current marketing methodology for municipal cemeteries. The following figure summarizes the results from the marketing methodology section of this benchmarking survey:

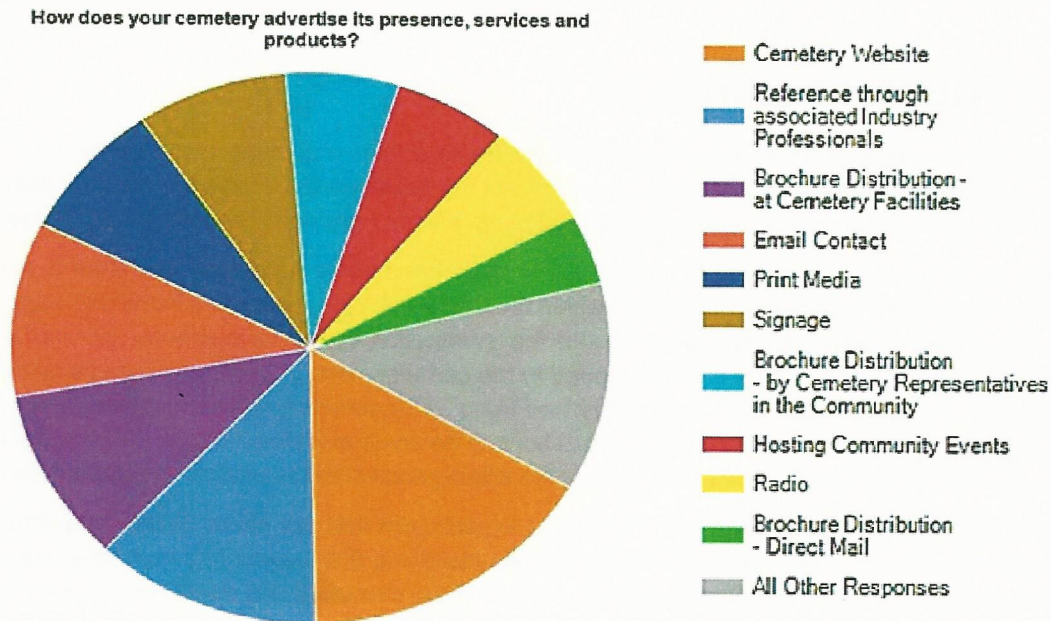


Figure 27: Marketing Methods used by Municipal Cemeteries by order of Frequency Used,
Source: LEES+Associates Benchmarking Survey 2013.

The most popular methods for municipalities in this survey were:

1. A cemetery-focused website;
2. References through associated bereavement sector professionals;
3. Brochure distribution at cemetery facilities;
4. Email contact, and
5. Print media.

No single marketing method significantly outweighed the others in preference. This supports the observation that municipalities usually rely on a variety of marketing methods to engage the community and advertise their presence, services and products.

“Appendix J: Cemetery Industry Marketing Methodologies Overview” provides the City with additional details concerning the most successful marketing methodologies in the North American cemetery industry and key website criteria mentioned previously.

¹⁸ American Cemetery, August 2014, Marketing Roundtable by Patti Martin Bartsche.



7.3 RECOMMENDATIONS: MARKETING STRATEGY

STRATEGY 1 - CRAWL, WALK, RUN

We recommended staff begin immediately with easy to achieve action items within the City's current allocated resources. The vision should be to build capacity and resource allocation over time such that the Cemetery's marketing program can run at full speed; meaning, implement a comprehensive marketing program that utilizes a mix of traditional print, radio, and digital marketing tools. To begin with we recommend working with the tools already in place, primarily the website.

Recommended Actions

1. Level 1 - City of Lewiston's Cemetery & Urban Forestry Webpage

- Add a link to a downloadable Cemetery Brochure and Fee Schedule, and
- Add a link to a description of Pre-Need Purchases and explain the offerings as in the brochure. Include a contact email and phone number for further inquiries.

2. Level 2 - City of Lewiston's Cemetery & Urban Forestry Webpage

- Create an engaging 'landing page' for the webpage and include:
 - Explanations of what information can be found in each section and the important relationship between Urban Forestry and the Cemetery;
 - An introductory paragraph providing an overview of the City's operations;
 - Color photos of the site and a cemetery map;
 - A description of the education philosophy in an "Education Programs" section; i.e. the cemetery is a park for in which citizens can walk, appreciate the diversity of tree specimens, learn about the community's history and landscape;
 - An invitation to organizations to submit information about recent and upcoming events at the cemetery for posting on the website (e.g. the July 4 event organized by Lewiston Historical Society), and
 - A call to action on the landing page, "Please call us to make inquiries about your needs today or for the future." Ensure the phone number is on this page.
- Rename the Quick Facts section to Cemetery Facts and Figures and place this at the top of the list of pages. Reformat so it is more paragraph style and includes a few words about the beauty of the site and the range of products offered;
- Create a separate staff and contacts page with a picture of each cemetery staff person and a few words about their role, and
- Ensure every Cemetery page has a contact number and email link.

3. Level 3 – City of Lewiston Social Media Intervention

- Revise the cemetery Facebook page settings to control content;
 - Prior to May 2015, postings on the Facebook page were all from the Lewiston Idaho Paranormal Society. These settings allow anyone to upload content which does not allow the City to control public's perception of the cemetery, and
- Encourage the Cemetery Manager, Parks and Recreation staff, and select community partners to monitor and post cemetery news, photographs and updates



on the Facebook page. They should be encouraged to reach out to stakeholders in the cemetery market, encouraging them to follow and “Like” the cemetery’s page.

The City should anticipate on spending at least 50% of the proposed 2016 marketing budget, approximately **\$5,000** on Cemetery Website Development for this marketing strategy.

STRATEGY 2 INCORPORATE CITY’S BRANDING + INTEGRATE COMMUNICATIONS

The City of Lewiston’s website communicates via images, words, activities, a handful of key messages about who the City sees itself to be, what it values and what people can expect from it; all of which work together to form its brand identify. This includes an:

- Emblem: *City of Lewiston: Explore Idaho's First Capital;*
- Tag Line: *Idaho's Only Seaport;*
- Parks & Recreation Landing Page: *Creating Community thorough Programs, Parks and Facilities,* and
- Awards: *Lewiston Receives its 20th Tree City USA Award.*

Additional messaging from key institutions referenced on the City’s website include:

- Lewiston Library Webpage Key Words: *Explore. Discover. Grow;*
- Lewis-Clark State College’s “About webpage”:
Lewiston, Idaho, where two rivers (Clearwater and Snake), two cities (Lewiston and Clarkston), and two states (Idaho and Washington) come together, and
Nez Perce County Historical Society, Inc.: Discover the History of Nez Perce County.

Recommended Actions

Work with the local marketing firm contracted to support the Recreation Department to:

4. Create a Tag Line for the Cemetery

- Suggested concepts: intersection, gateway, confluence, interdisciplinary, explore;
- Tag lines to consider include: Normal Hill Cemetery:

<i>Gateway to Memory</i>	<i>Gateway to our Community</i>	<i>Gateway to Discovery</i>
<i>Gateway to History</i>	<i>Gateway to Exploration</i>	<i>Gateway to Serenity</i>

5. Redesign the Cemetery Brochure

- Use the same visual branding as the City’s website, i.e. font used, nature imagery, coloring;
- Include new tagline, communications and articulation of cemetery as an asset, and
- Include integration with Urban Forestry messaging.

6. Consolidate Communication Resources

- Determine if City Parks & Recreation (P&R) Facebook Page managers could take on the task of managing content for the Cemetery Facebook Page;
- Initiate discussion with City staff to create synergies and mutual benefit through programming, policies and communications within the parks, heritage and genealogical resources such as: Lewiston City Library which has a Genealogy Collection offers a list of resources to library users; Lewiston Historic Preservation Commission; Parks & Recreation Department, specifically Normal Hill Cemetery and Urban Forestry.



STRATEGY 3 LEVERAGE YOUR STRENGTHS

Normal Hill Cemetery is a lovely, well maintained final resting place that, as reviewed in previous sections, offers people from Idaho and Washington attractive cemetery products to choose from. However, in addition to the actual cemetery products, the cemetery needs to understand, articulate and elevate the many other benefits it offers to individuals, community organizations and the City as a whole.

The City itself does not need to host events nor create programming at this 'walk' stage, it just needs to invite others to use the cemetery's assets in order to fulfill their respective objectives.

The cemetery offers a setting for:

- Passive recreation like walking, bird watching, picnicking, observing and enjoying nature;
- Historical and genealogical exploration including access to cemetery records but also as a setting for events;
- Educational programming including elementary, high school, college and adult education;
- Cultural and religious celebrations, and
- Bereavement activities throughout the year organize by hospices or funeral homes.

Recommended Actions

Strategy 3 methods should be pursued after previous strategies and recommendations are implemented. Once the City's branding has been incorporated in the cemetery, the website revised and the brochure redesigned, the City is then ready to reach out to the community at large and invite them to consider how they can make better use of the cemetery.

7. Invite Further Engagement from Local Funeral Homes

- Add a sub-page titled local funeral homes or funeral providers: provide names, phone numbers and links to as many as possible;
- Write and distribute letter and new brochures to all the funeral providers within a 2 hour radius; emphasize the diversity of product offering, future directions as approved by Council from the Master Plan recommendations; pre-need protection plan, natural and historical significance of the cemetery;
- Invite all local funeral providers responsible for the majority of the Normal Hill cemetery sales to make cemetery brochures available to their customers;
- Request that funeral homes revise comparative cemetery pricing charts to include full range of cemetery products offered at Normal Hill, and
- Revise landing page call to action to read "Please call us or your local funeral home to inquire about your needs today or for the future." Ensure phone number is on this page and funeral home sub-page is in place.

8. Invite Local Organizations to use the Site for their Activities and Programming

- Distribute a letter and new brochure to school and community organizations providing updates and inviting them to use the cemetery as a site for their events. The cemetery does not currently have the capacity to create programming nor to organize or publicize others people's events. It can, however, support others to do these things.

Organizations to approach include:

- Parties interested in the botanical and natural assets of the cemetery;



- Bereavement sector organizations including hospices, counselling and wellness services;
- Religious groups present in the City;
- Group interested in Community history: Lewis Clark State College, Nez Perce County Historical Society & Museum, Historical Association of Lewiston and Museum, Lewiston Genealogical Association, Twin Rivers Genealogical Society and Idaho Genealogical Society and
- Outreach efforts to the Masonic community of the Lewiston-Clark area are also recommended.

After the City has assigned and trained additional staff to support the cemetery team, then the City is encouraged to develop its own regular cemetery program schedule, using some of the event suggestions mentioned in “**Appendix J: Cemetery Industry Marketing Methodologies Overview.**”



Figure 28: Twin Rivers Genealogy Society Walking with Ancestors Tour at Normal Hill Cemetery, Source: <http://inland360.com/kids/2012/06/exhuming-settlers%E2%80%99-stories-genealogy-society-plays-host-to-its-second-walking-with-ancestors-at-lewiston-cemetery/>

9. Invite Engagement from Regional Funeral Homes: Cast a Wider Net

- Cemetery sales is currently dependent upon the efforts of staff at a few local funeral homes. Potential future changes at these funeral homes (i.e. staff, goodwill, or ownership) is a risk that the City should consider how to mitigate.

It would be advisable for the City to establish a relationship multiple regional funeral homes (within 1 hours driving distance) to inform them of new initiatives underway at Normal Hill, encourage referrals and invite them to utilize the site for their own programming (i.e. funeral homes often invite recently bereaved families to “Remember and Honor a Life” at Christmas time for example.)



MARKETING STRATEGY CONCLUSION

The recommended strategies and actions presented in this chapter will not require a large financial investment from the City and can be acted upon quickly and with short-term benefits anticipated. Initial costs will predominantly come from website development and cemetery brochure redesign, printing and distribution. All other marketing initiatives primarily require the investment and dedication of time by City staff and community volunteers.

Additional benefits from advanced marketing strategies, could also be realized through hiring a dedicated City sales and marketing representative, a more assertive pre-need sales plan, and longer term marketing plan drafted with the guidance of a professional marketing specialist.

These proposed introductory initiatives will provide a starting point for the process of community engagement and create positive associations with the City cemetery site through a variety of media. As a result, Normal Hill Cemetery will emerge at the forefront of people's minds when thoughts turn to decision making for a final resting place. It is important for these initiatives to take place in conjunction with other recommendations with respect to enhanced customer service, increased offerings, records management software and mapping implementation.



Figure 29: Historical Monument and Interpretive Signage at Normal Hill Cemetery,
Source: LEES+Associates.



8 CONCEPTUAL DESIGN

In July 2015, LEES+Associates and members of the City's Project Team visited Normal Hill Cemetery. In October 2015, LEES+Associates and members of the City's Project Team presented three potential Concept Designs for Normal Hill Cemetery's expansion lands to the community in a public open house. The purpose of these site visits was to identify opportunities, constraints and community preferences for enhancement of the existing Normal Hill Cemetery site and development of its expansion lands.

The site analyses identified numerous opportunities to improve and expand cemetery services, capitalize on underutilized spaces, add community amenity value, and enhance aesthetics. The Normal Hill Cemetery Concept Design addresses these opportunities through a set of key interventions, enhancing the strengths of the Normal Hill Cemetery to re-imagine it as a key cultural and historical amenity for the community as well as increase the site's value for recreational use and enjoyment.

8.1 NORMAL HILL CEMETERY CONCEPT PLAN

This section is complemented by a graphic of the Site Wide Improvements proposed for Normal Hill Cemetery, which can be found in **"Appendix D - Normal Hill Cemetery Concept Design."**

SITE-WIDE IMPROVEMENTS

This study recommends a series of improvements addressing the entire existing cemetery site. The "Site-wide Cemetery Improvements" graphic in Appendix D illustrates all of the following proposed improvements.

Wayfinding Strategy

1. Entry Signage

The implementation of a Wayfinding Strategy is recommended to lend clarity for those coming to the site for the first time or visiting again after many years. The first element of this strategy is the creation and renewal of the cemetery signage marking key entries as well as the front of the current Administration Building. All signage details, including the font and dogwood floral motifs, should be consistent with the new cemetery brand identity.

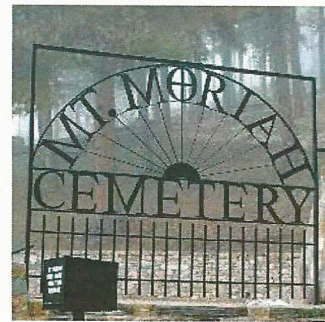


Figure 30: Traditional Welded Steel Sign,
Source: LEES+Associates.

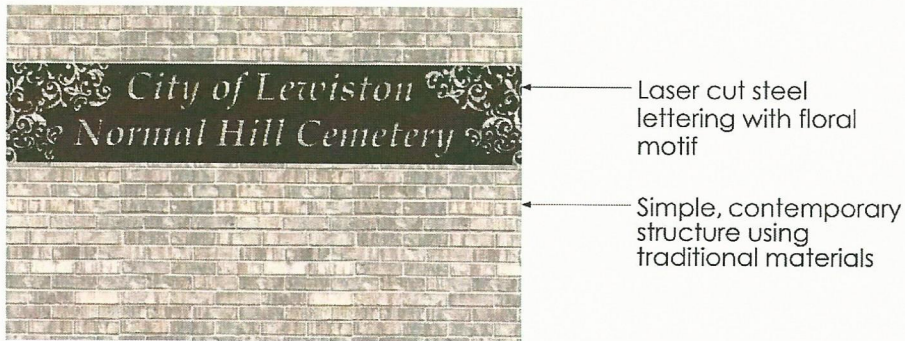


Figure 31: Proposed Cemetery Identity and Entry Signage. Source: LEES+Associates.

2. Entry Gateways

The next element of the wayfinding strategy is the creation of “gateway elements.” While Normal Hill was historically gated, this is no longer the case. The gateway elements, comprised of the existing brick pillars renovated as in the Figure 32 and bordered by new dogwood and native plant gateway gardens, would provide a sense of arrival upon entering the cemetery site. They would delineate the cemetery as a place that is both part of the city and distinct.



Figure 33: Existing Pillars at Entries, Source: LEES+Associates.

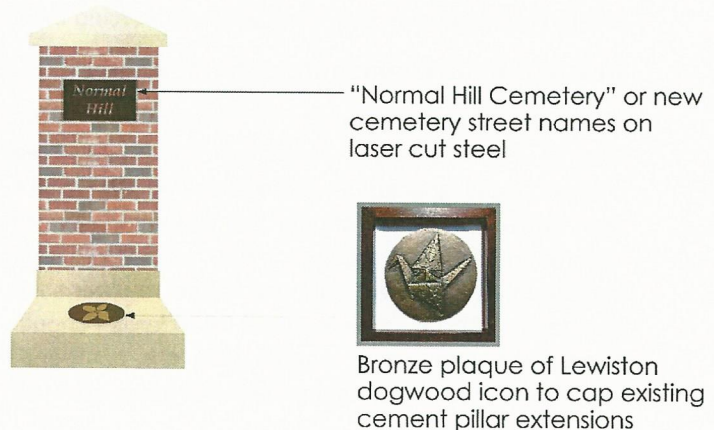


Figure 32: Proposed renovation of existing pillars to include distinctive cemetery icon plaque and cemetery or roadway. “Gateway Gardens” of featuring dogwoods and native plants will reinforce the entry. Source: LEES+Associates.

3. Cemetery Site Maps

Cemetery Site Maps should be located inside three key entry gates (locations TBD). These will provide wayfinding assistance at logical locations, providing directions before people get lost.

4. Name Cemetery Roadways

Cemetery roadways should be named as part of the Wayfinding Strategy. Nez Perce Country Pioneer names or the names of prominent geographical elements should be considered to further reinforce the historical nature of the cemetery.



5. Update Section Markers

Section markers should be updated with a clear and functional, but less utilitarian aesthetic. The design of the section markers could be based on the bronze plaque in Figure 33. It should be consistent with the new cemetery brand identity.

Perimeter Plantings

Infill of the perimeter trees is recommended. Adding new trees to replace those lost or significantly damaged due to age and weather will reinforce the overall structure of the cemetery and augment the “sense of place” of the cemetery grounds.

Improvements to Site of Administration Building

Renovation of the planting and updating the exterior signage at the Administration Building will improve the presence of the building at its current location, while improving the coherence between the building and the cemetery as a whole.

Traffic Calming On 15th Avenue

The addition of curb extensions, sidewalks and layby parking is recommended for the portion of 15th Avenue that crosses the Cemetery. Street trees and planting should be included in the planting beds of the “bump out” curb extensions. This will provide buffering for existing graves that are located quite close to the street while reinforcing the coherence of the cemetery.

Tree and Shrub Maintenance Strategies

Given the stunning diversity of tree species at the Normal Hill Cemetery, including the State Tree collection and specimens dating back to the 1930's and earlier, the site should be managed as an arboretum. This requires the creation and implementation of tree, turf and shrub maintenance standards. Shrub maintenance standards should require the removal of shrubs that are damaged, overgrown or impeding maintenance of grave sites, as in Figure 34.

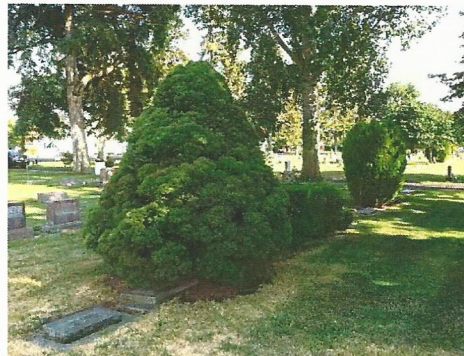


Figure 34: Overgrown Shrubs Impinging on Grave Stones, Source: LEES+Associates.

Update Cemetery Receptacles

The existing cemetery trash containers undermine the desired visual quality of the cemetery by their utilitarian appearance. They should be replaced with a more refined, durable model and fixed to specific location. The material choice should reflect the overall aesthetic of the site.

Metal reflects key elements identified in the Wayfinding Strategy, such as the laser cut steel insets in the existing and new pillars (as shown in earlier Figures), as well as the Entry signage.

Any water cans which cannot be replaced with water spigots should be grouped next to trash containers. This will limit the visual disruption to the interment areas while providing defined stations for all receptacles.



Figure 35: Existing Cemetery Trash Container, Source: LEES+Associates



Figure 35: Proposed Trash Container, Source: Maglin Site Furniture

Infill Cremation Garden

To quickly address the small amount of capacity remaining for cremation interment at Normal Hill Cemetery, an infill strategy is proposed for northeast corner of the site, near the Mountain View Mausolea. In addition to increasing capacity, this will dramatically diversify the options for disposition of cremated at Normal Hill by adding a scattering garden, family vessels (collective urns), and family and community columbaria units.

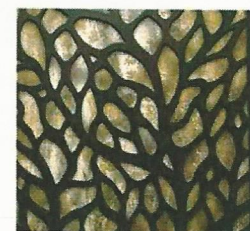
EXPANSION LANDS CONCEPT DESIGN

Site Grading

Re-grading the expansion lands, to create as consistent and minimal a slope as possible, is recommended. Retaining walls will be necessary along the southwestern and southeastern borders of the site.

Entry Gateways

The gateway elements in the expansion lands will be comprised on new brick pillars, as in Figure 37 below, and bordered by new dogwood and native plant gateway gardens. These provide a sense of arrival upon entering the cemetery site.



Laser-cut dogwood icon integrated into new brick pillars

Curb extensions with native planting
Layby parking

Figure 36: New pillars and curb extension, looking south from 15th Ave, Source: LEES+Associates.



FOCAL POINTS AND GATHERING SPACE

A central gathering space located in the expansion lands will provide a focal point for the space. Due to the heat of the summer, the integration of a trellis element is recommended to provide shade and structure.



Figure 37: Memorial Wall as a Focal Point + Gathering Space
Source: LEES+Associates.

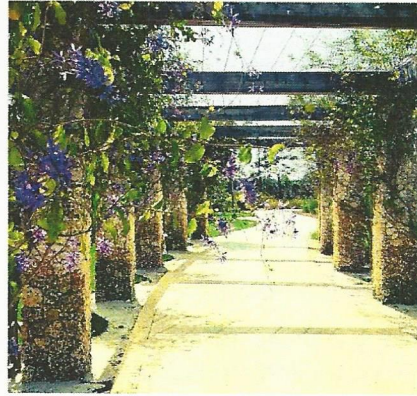


Figure 38: Trellis provides Shade + Focal
Source: LEES+Associates.

Other focal points and memorial features could incorporate sculptural public art pieces or water elements.

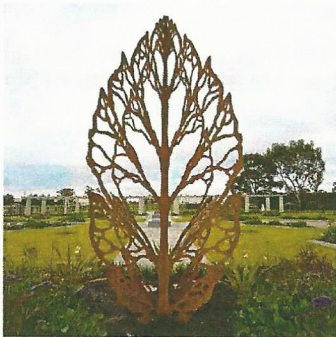


Figure 39: Sculpture can be used as Focal Points in Scattering Gardens or Gathering Spaces,

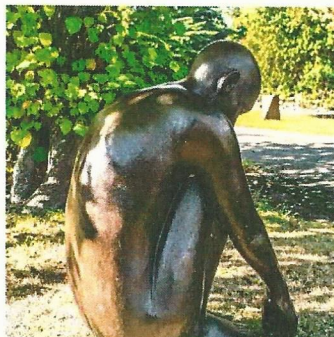


Figure 40: Water features can be integrated at focal points for their white noise and association with reflective, peaceful spaces. Source: LEES+Associates.



BENCHES

Benches should also be integrated at focal points, near scattering gardens and columbaria units. Attention should be paid to placing benches where one feels a sense of protection, especially from behind, while also having an outlook towards a view.



Figure 41: Benches placed at Focal Points, Source: LEES+Associates.

MEMORIALIZATION OPTIONS

A variety of memorialization and interment options are recommended for incorporation in the expansion lands. Scattering gardens should integrate planting as a focal point, as well as seating and gathering spaces as seen in the following images. Columbaria units can be organized along pedestrian paths, providing seating and gathering spaces, as well as opportunities for the integration of alternate interment options such as family vessels.



Figure 42: Scattering Gardens as Focal Points, Source: LEES+Associates

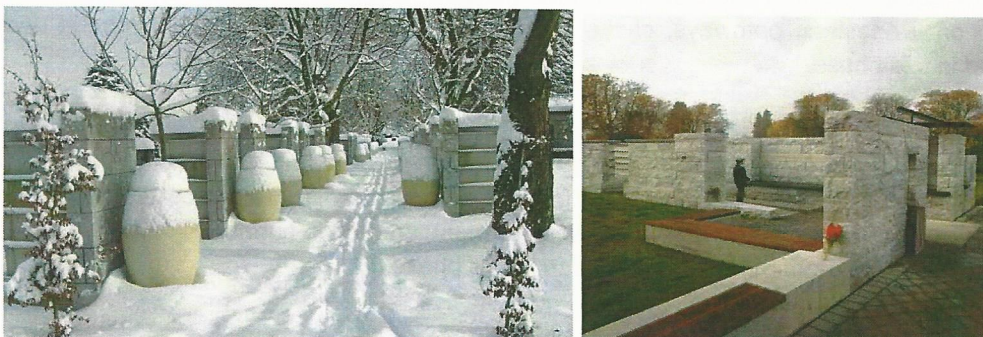


Figure 43: Columbaria Units and Family Vessels along Pedestrian Paths, Source: LEES+Associates



PROJECT PHASING

It is recommended that the project proceed in four distinct phases. This will minimize the initial capital outlay and allow flexibility to tailor later phases to changing needs and demographics. Each phase of interment expansion (Phases 2-4) provides a full range of options including traditional in-ground casket burial, cremation interment and columbaria unit niches.

Phase 1

Phase 1 includes planting the trees in the expansion lands. This will provide a marker of the expansion of the cemetery and immediate aesthetic benefits for neighbors and passersby. It will allow the trees and preliminary plantings to become established before interments begin. These plantings will form the key structural elements of the expansion lands and reinforce the identity and dignity of the space.

Phase 1 also includes the adding of hedge buffers around the consolidated soil storage yard, from the neighboring residences on the western edge of the expansion lands, and against the traffic and noise of Southway Avenue on the site's southern edge.

It is recommended that the site-wide improvements, including the infill cremation garden, are included in Phase 1 as well. These are aimed at providing immediate benefits to the site, such as more visual coherence while integrating the current cemetery with the expansion lands and rectifying the current lack of cremation capacity.

Phase 2

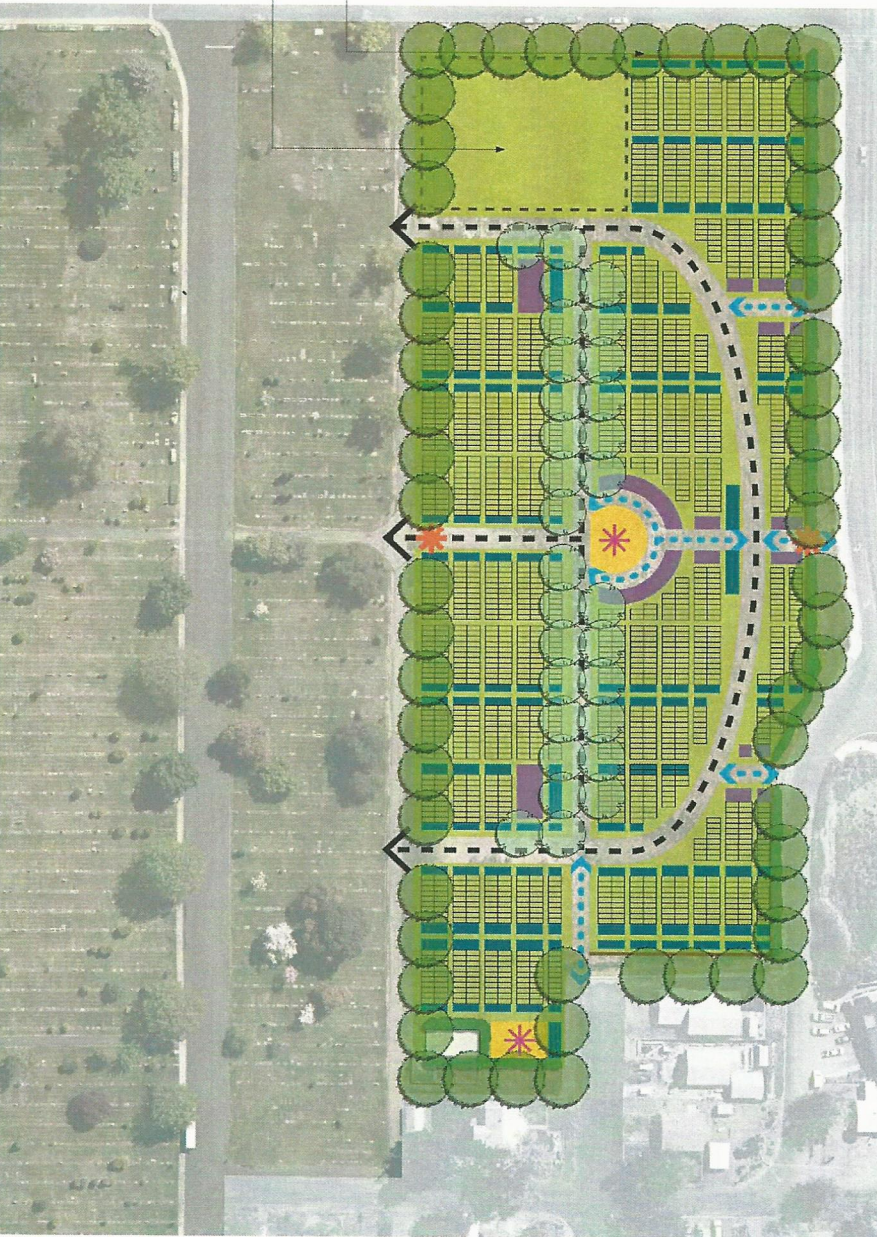
Phase 2 includes the first phase of interment expansion. It will add significant inventory to all categories of the cemetery capacity. Phase 2 roads and paths are included, comprising the three north-south expansion land cemetery roads and the east-west connector at the same latitude as 16th Avenue. These can be seen in the Figures 45 and 46 on the following pages. The central scattering garden, providing a focal point, trellis and gathering space, with the surrounding casket, cremation interment and columbaria units, is also part of this phase.

Phase 3

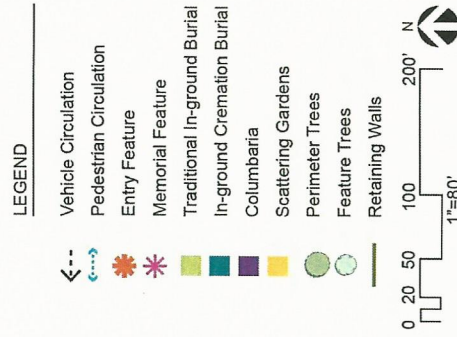
Phase 3 completes the cemetery roadway network with the southern east-west U-shaped connection. Pedestrian pathways, casket interment, cremation burial and columbaria units are included in this phase.

Phase 4

Phase 4 includes the relocation of the current Administration and Operations Building to the Expansion lands, providing an opportunity for a better organized, more customer and community-friendly space. Pedestrian pathways, casket interment, cremation burial and columbaria units, as well as a scattering garden, are also included in this phase.



EXPANSION LANDS CONCEPTUAL DESIGN

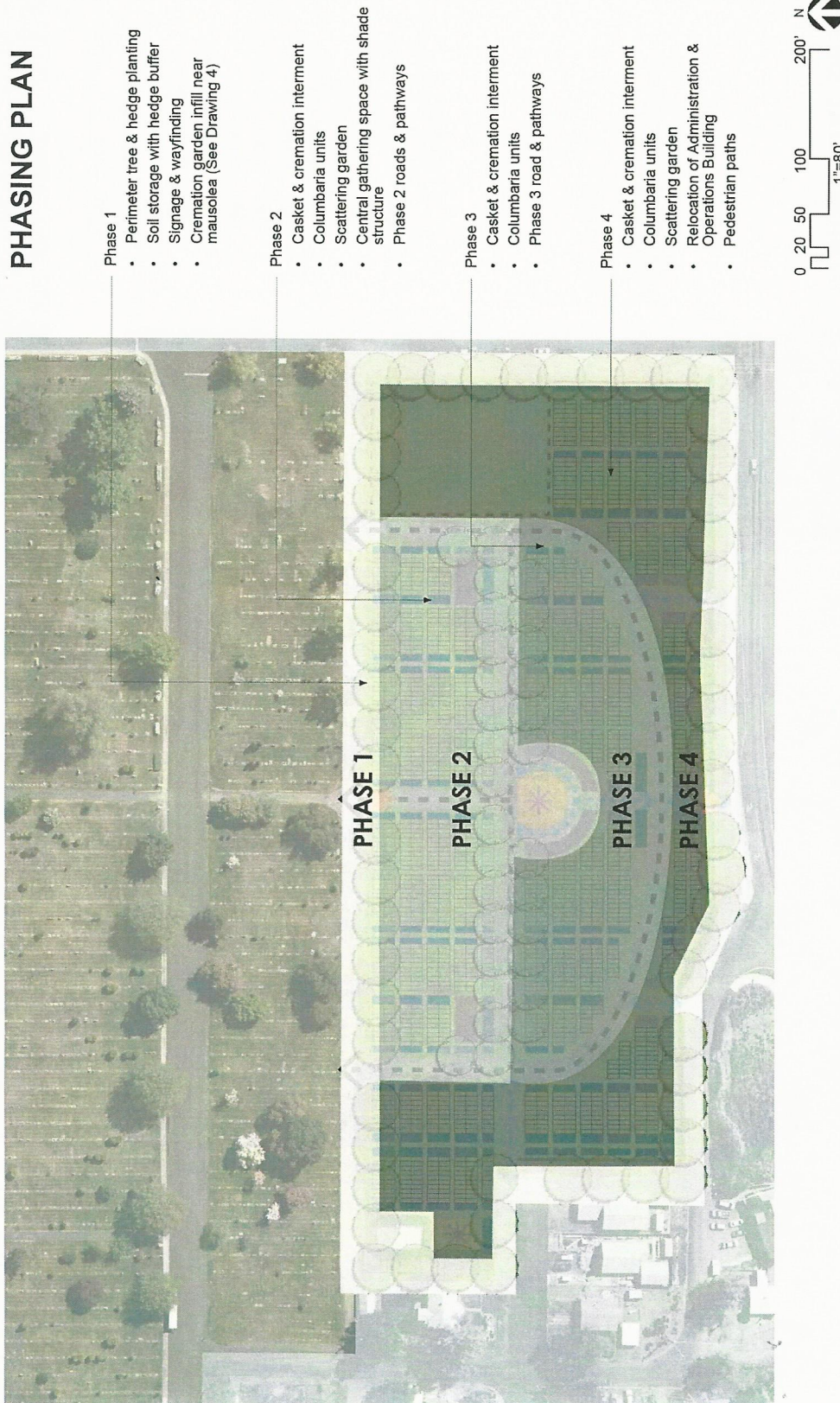


Drawing: 2 of 7
Rev: 1
Date: October 16, 2015
Drawn/Checked: EF/EL
Scale: 1"=80' @ 11x17L

FINAL CONCEPT - EXPANSION LANDS NORMAL HILL CEMETERY MASTER PLAN

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Figure 44: Expansion Lands Conceptual Design. Source: LEES+Associates.



Drawing: 3 of 7
Rev: 1
Date: October 16, 2015
Drawn/Checked: EPIEL
Scale: 1"=80 @ 11x17L

FINAL CONCEPT - EXPANSION LANDS PHASING PLAN NORMAL HILL CEMETERY MASTER PLAN

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Portland, OR 97201
www.leesassoc.com

Figure 45: Phasing Plan, Source: LEES+Associates.



8.2 CONCEPT DESIGN: DEVELOPMENT BUDGET RECOMMENDATIONS AND RETURN ON INVESTMENT

POTENTIAL RETURN ON INVESTMENT

The following assumptions were made for the Return on Investment scenarios assessed in this section of the Normal Hill Cemetery Master Plan:

Sales Assumptions:

- The retail value of land at Normal Hill Cemetery is **\$5 to \$8 per square foot**;
- Projected sales return estimates only include land value;
- Infrastructure sales value has not been assessed or included.

Development Assumptions:

- The budget recommendations are based upon an estimated construction and design cost of **\$130,000 per acre** and **\$400 per niche for columbaria units**;
- No price changes throughout the entire period of sales;
- All casket sales are single depth adult burials only;
- All cremation lot sales are for single urn interments in cremation graves
- All columbaria niches sales are assumed to be 50% single and 50% double niches, with 50% of interments having a service and 50% not having a service.
- Projected returns are not discounted for the time value of money, and returns will take place over the projected land capacity life in the following section.

Capacity Assumptions:

- A design standard of 500 caskets per acre;
- Market capture continues at current rates (land capacity life will decrease if marketing initiatives attracts more interments to Normal Hill Cemetery);
- Conservative projections of one interment per lot are used in estimating life;
- Land capacity life estimated can potentially be doubled or more when you accommodate multiple individuals in each lot), and
- Demographic and dispositions trends are similar beyond the projected 25 years.



The following table summarizes a conservative estimate of projected cemetery operation returns likely to be received from the development of the expansion lands as proposed in the Concept Design.

Development Scenario – Inventory Developed	Lot Sales Revenue Value	PCF Value	Staking Fee	Net Interment Value	Total Estimated Value
1,899 casket lots	\$1,986,354	\$220,284	\$91,152	\$632,367	\$2,930,157
2,048 cremation lots	\$579,584	\$63,488	\$98,304	\$681,984	\$1,423,360
1,060 columbaria niches	\$1,332,950	\$147,870	\$-	\$352,980	\$1,833,800
Total Sales	\$3,898,888	\$431,642	\$189,456	\$1,667,331	\$6,187,317

Table 8: Potential Cemetery Expansion Land Product + Service Revenue (net of Wilbur's interment services), Source: LEES+Associates.

Scenario A – Sell The Expansion Lands

The following table summarizes the potential returns for the scenario of selling all of the available cemetery lands to fund future cemetery site development, care and maintenance.

Sales Return Scenario	Commercial Value – Minimum Value	Commercial Value – Maximum Value	Commercial Value – Average Value
6.3 acres – 274,428 square feet 100% Expansion Land Sold	\$1,372,140	\$2,195,424	\$1,783,782

Table 9. Potential Sales Return from Selling Cemetery Land, Source: LEES+Associates.

In addition to the land value listed above the City could expect to receive additional return from the sale of the cemetery operations building.

Scenario B – Develop The Expansion Lands for Cemetery Use

The following table describes the potential net value of the development of the expansion lands for cemetery use. This is estimated by subtracting the recommended development budget allowance from the project return on investment.

Development Investment	Approximate Budget Allowance Recommendation for all Construction Phases	Projected Return on Investment	Net Value
Conceptual Design – 6.3 acres	\$1,390,000	\$6,187,317	\$4,797,317

Table 10: Potential Development Costs for the Cemetery Land, Source: LEES+Associates.



8.3 PROJECTED PHASES

It is recommended that the City adopt a phased strategy for the implementation of recommendations at Normal Hill Cemetery. In this way the City can gradually develop the cemeteries with the appropriate amount of interment and memorialization inventory to meet demand and current interment preferences. This will allow the City to limit the capital outlay and to refine the next phases of development based upon the interment sales trends and customer feedback from the previous phase.

RECOMMENDED BUDGET ALLOWANCES BY PHASE

The following table summarizes the suggested priority and phasing of the cemetery development, as well as recommended budget allowances for the improvements proposed in Section 8.1.

Phase	Year	Recommended Budget Allowance
Phase 1 – Site wide improvements, expansion land tree planting, cremation garden infill	1-3	\$240,000
Phase 2 – Northern Section of expansion land	3-10	\$445,000
Phase 3 – Central section of expansion land	Future	\$280,000
Phase 4 – Southern and outer section of expansion land	Future	To Be Determined

Table 11: Recommended Budget Allowances by Phase, Source: LEES+Associates.

PROJECTED TIMELINES FOR PLANNING

For budget planning purposes, it is recommended that the City adopt the following timeline:

Item	Year
Financial, Product + Services, Marketing, Governance + Operations Recommendations	2016 and onward
Normal Hill Cemetery Phase 1 Development	2016-2019
Normal Hill Cemetery Phase 2 Development	2020-2030
Normal Hill Cemetery Phase 3 Development	Future
Normal Hill Cemetery Phase 4 Development	Future

Table 12: Proposed Development Timeline, Source: LEES+Associates.

The implementation of these initial capital projects will help ensure that the City's cemetery system will be in a position to serve the needs of the community in the medium term. The implementation of other phases identified can be adjusted based on the rate of sales and types of interments in the upcoming three to five year period.



8.4 RECOMMENDATIONS: CONCEPTUAL DESIGN

The following recommendation is key to the success of the Normal Hill Cemetery Financial Plan. To implement this plan the City should:

- **Adopt the Concept Design in Chapter 8 of this Cemetery Master Plan** because:
 - Normal Hill Cemetery will achieve far greater returns both in revenue and in meeting the burial needs of the community in the long term by developing the cemetery's expansion lands rather than selling them.

9 CONCLUSION

This master plan describes the need for land at Normal Hill Cemetery that will foster the provision of sufficient cemetery lands for this and future generations in the City of Lewiston. The need for cemetery land has been demonstrated through the demand for in-ground burial space arising from decedents across the catchment area in Nez Perce County.

Approximately 2.2 acres of land will be consumed in cemetery space over the next 25 years and depending on the cremation trend and alternate forms of disposition approximately 8.5 acres of land will be needed over the next 100 years.

The recommendations outlined in this City of Lewiston Normal Hill Cemetery Master Plan provides a roadmap to guide policy, planning and operations for the next 25 years and beyond, enabling the City to plan for a financially sustainable cemetery system that will meet the City's expected community and stakeholder needs for cemetery services in the foreseeable future.

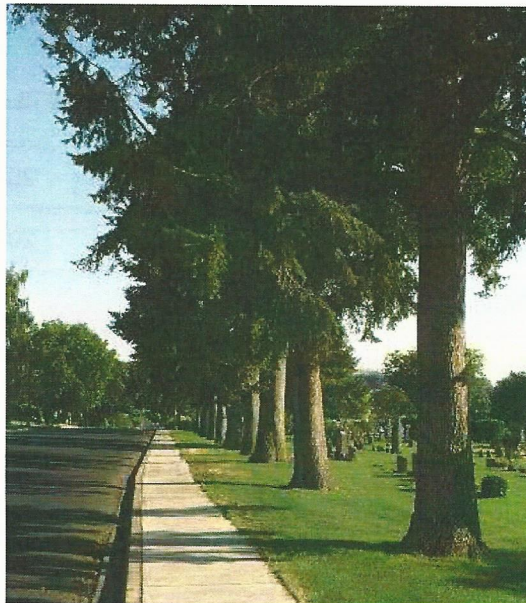


Figure 46: Normal Hill Cemetery and Adjacent Roadway, Source: LEES + Associates.



10 APPENDICES

- Appendix A – Normal Hill Cemetery Master Plan Stakeholder Consultation Notes**
- Appendix B – Historic Demographic Profiles + Data Tables**
- Appendix C – Cemetery Market Dispositions and Market Capture Details**
- Appendix D – Normal Hill Cemetery Final Concept - Site Wide Improvements**
- Appendix E – Normal Hill Cemetery Final Concept – Cremation Garden Infill**
- Appendix F – City of Lewiston Stakeholder Consultation Summary**
- Appendix G – Cemetery Products and Services Descriptions**
- Appendix H – Cemetery Price Benchmark Study**
- Appendix I – Accounting Practices + Performance**
- Appendix J – Perpetual Care Overview**
- Appendix K – Cemetery Industry Marketing Methodologies Overview**
- Appendix L – Glossary of Cemetery Terminology**



APPENDIX A – CITY OF LEWISTON REGIONAL CONTEXT

Nez Perce County

Nez Perce County is a county located in the U.S. state of Idaho. As of the 2014, the population was approximately 40,000 people. Nez Perce County was originally organized in 1861, when the area was part of Washington Territory. It was reorganized in 1864 by the Idaho Territorial Legislature and was later subdivided into new counties.

According to the U.S. Census Bureau, the county has a total area of 856 square miles (2,220 square km), of which 848 square miles (2,200 square km) is land and 8.2 square miles (21 square km) is water. Nez Perce County has two rivers, the Clearwater and the Snake, which meet in Lewiston and then flow west.

The Clearwater flows from the east and the Snake from the south, creating the state border with Washington (and further upstream, Oregon). The lowest point in the state of Idaho is located on the Snake River in Lewiston in Nez Perce County, where it flows out of Idaho and into Washington. North of Lewiston, Idaho's western border is a political line.

Communities in Nez Perce County, include:

- **Cities** – Culdesac, Lapwai, Lewiston and Peck
- **Census Designated Place** – Sweetwater, and
- **Unincorporated Communities** – Gifford, Jacques, Lenore, Myrtle, Southwick, Spalding, and Waha.

The State of Idaho Department of Health and Welfare Vital Records does not currently publically report its death and disposition data by Community. The smallest area it reports data by County, which includes all of the Cities, Census Designated Place and Unincorporated Communities listed above

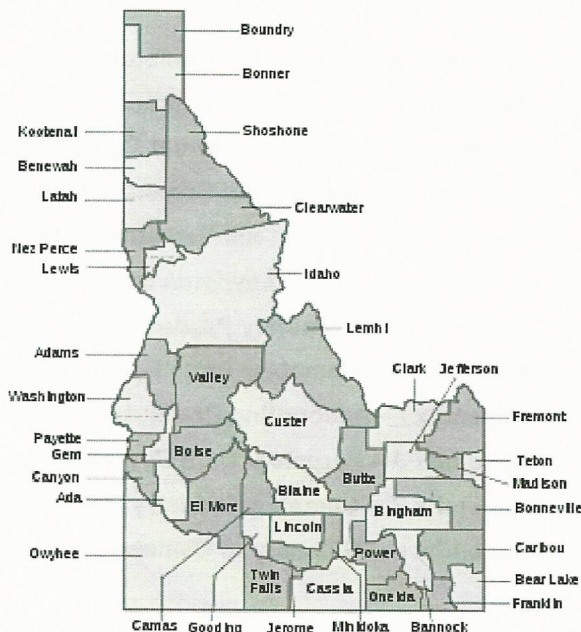


Figure 47: State of Idaho County's Map, Source: Wiki Commons 2015.

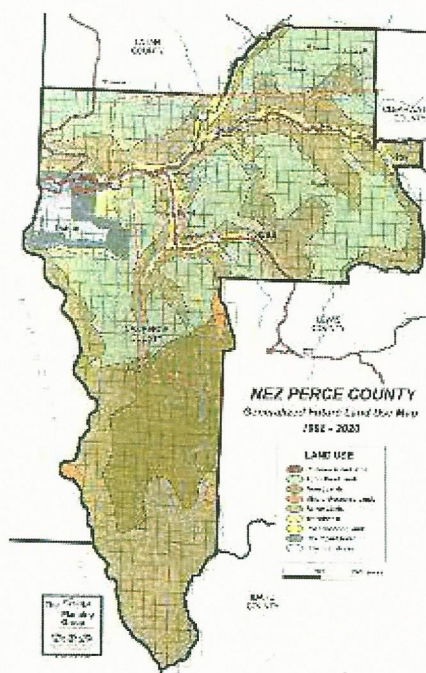


Figure 48: Nez Perce County Future Land Use Map 1998 to 2020, Source: Nez Perce County Comprehensive Plan.



City of Lewiston

The City of Lewiston, the county seat of Nez Perce County, is a burgeoning community, home to over 32,000 residents. It is the second-largest city in the northern Idaho region, behind Coeur d'Alene, and the ninth-largest in the state.

The City has a unique position at the confluence of the Snake and Clearwater rivers, which allows for access by ocean going vessels. As such the City has earned the distinction of being "Idaho's Only Seaport."

The following map summarizes the current key stakeholders and potential partners in the death care industry within the City of Lewiston.

City of Lewiston in Numbers

<i>Population:</i>	32,482 in 2014
<i>Land Area:</i>	17.23 square miles (44.63 square km)
<i>Climate:</i>	Semi-arid
<i>Average High Temp:</i>	63.4°F, 17.4°C
<i>Average Low Temp:</i>	42.5°F, 5.8°C

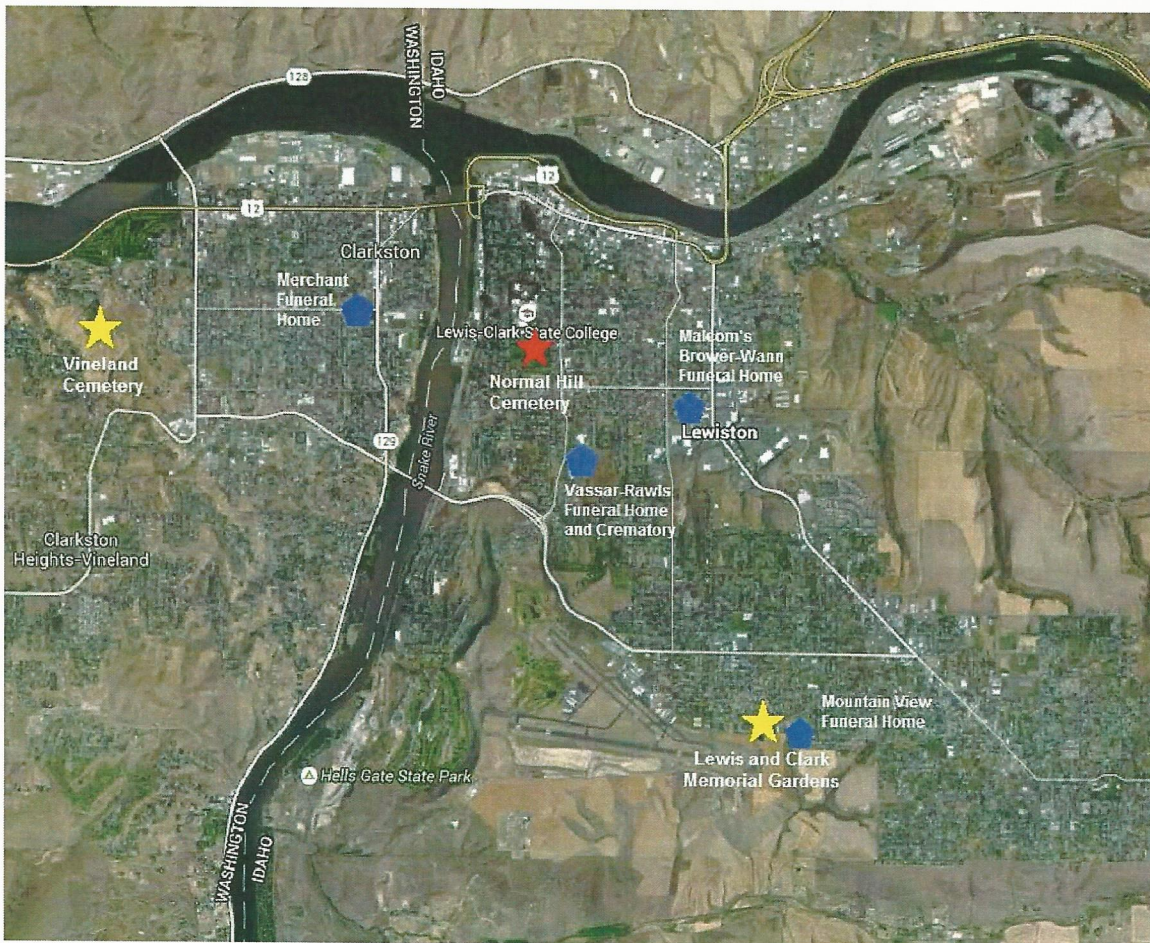


Figure 49: City of Lewiston Cemetery Stakeholders Overview, Source: LEES+Associates.



APPENDIX B – HISTORIC DEMOGRAPHIC PROFILES + DATA TABLES

AGE DISTRIBUTION PROFILE

The following graphs compare the age distribution of the City of Lewiston and State of Idaho.

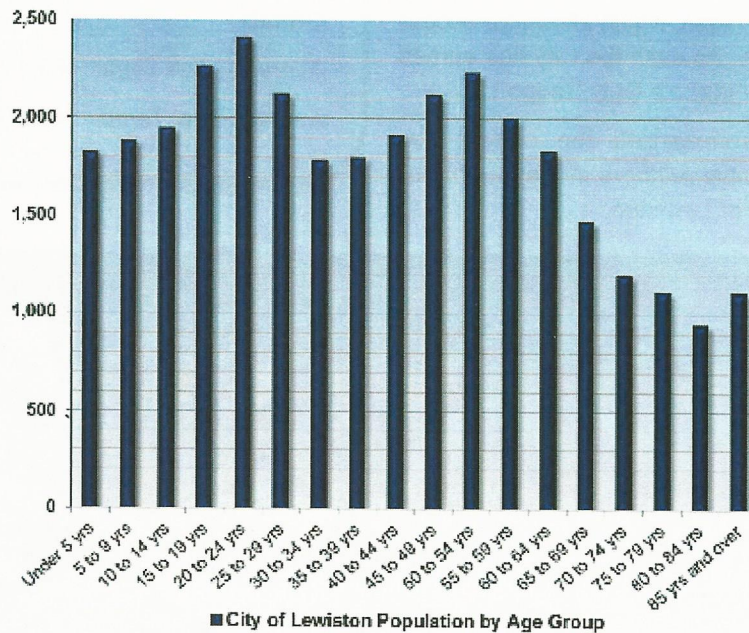


Figure 50: City of Lewiston's Age Distribution, Source: United States Census Bureau.

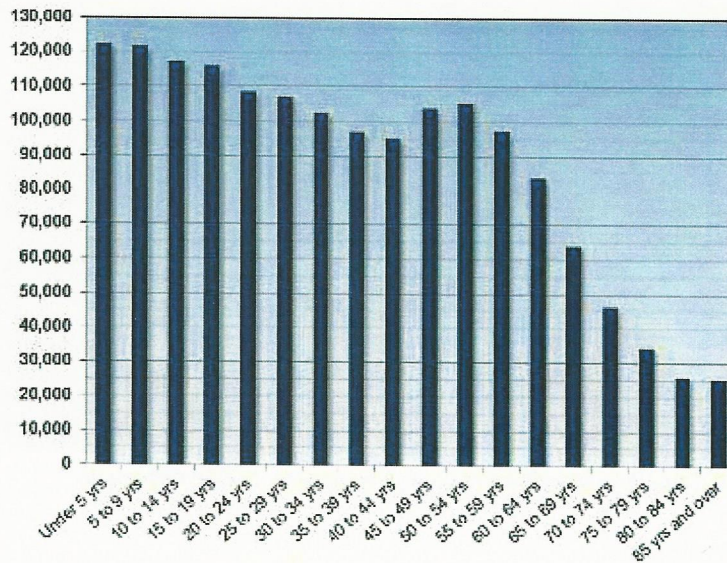


Figure 51: State of Idaho Population Age Distribution, Source: United States Census Bureau.



RELIGIOUS DISTRIBUTION PROFILE

The graph shows the distribution of religious identification in the State of Idaho. In this study, it is assumed that the City of Lewiston has a similar religious distribution profile.

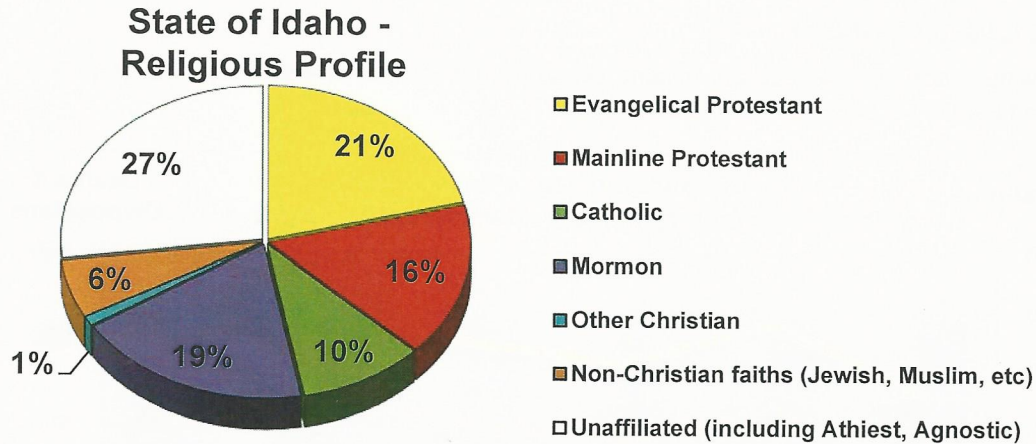


Figure 52: State of Idaho Religious Profile Distribution, Source: Pew Research Center Religious Landscape Study.

The following table shows the historic population growth rates for the City of Lewiston, Nez Perce County and the State of Idaho over the past 5 years.

Population Measurement	2009 Population	2014 Population	2009-2014 Average Annual Population Growth
City of Lewiston	31,887	32,482	0.37%
Nez Perce County	39,277	40,007	0.40%
State of Idaho	1,536,806	1,634,464	1.24%

Table 13: Municipal, County and State Population Growth Rates, Source: United States Census Bureau Data.

The following table shows the historic death rates for the City of Lewiston, Nez Perce County and the State of Idaho over the past 5 years.

Deaths Measurement	2009 Deaths	2014 Deaths	2009-2014 Average Annual Deaths
City of Lewiston	356	404	399
Nez Perce County	438	498	491
State of Idaho	11,065	12,179	12,000
City of Lewiston + Nez Perce County Death Rate per 1000 people	11.17	12.44	12.44
State of Idaho Deaths per Death Rate per 1000 people	7.20	7.45	7.45

Table 14: Municipal, County and State Death Rates, Source: United States Census Bureau Data.

The death rate in this master plan measures the number deaths for each 1,000 individuals in the region's population for a particular year or stated time period.



APPENDIX C – CEMETERY MARKET DISPOSITIONS AND MARKET CAPTURE DETAILS

HISTORIC CEMETERY MARKET

The following graph summarizes the historic cemetery market that characterized the Nez Perce County and the City of Lewiston from 2009 to 2014.

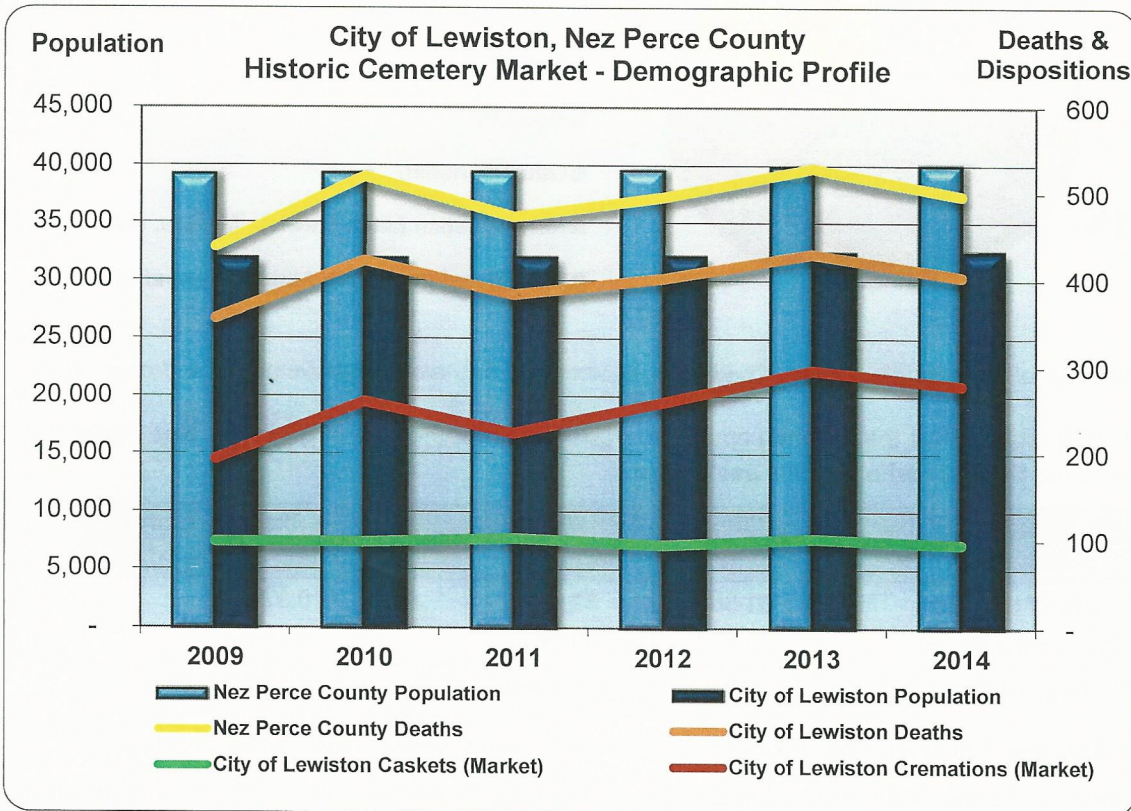


Figure 53: 2009 to 2014 City of Lewiston + Nez Perce County Cemetery Market Overview,
Source: LEES+Associates, United States Census Bureau Data and State of Idaho Department of Health and Welfare Vital Records.

Historically from 2009 to 2014, the City of Lewiston has experienced an annual average:

- 400 deaths;
- 100 caskets;
- 250 cremations, and
- 50 deaths that were interred outside of the State of Idaho.



HISTORIC MARKET CAPTURE

The following graph summarizes the historic cemetery market capture activity that characterized the City of Lewiston and Nez Perce County from 2009 to 2014.

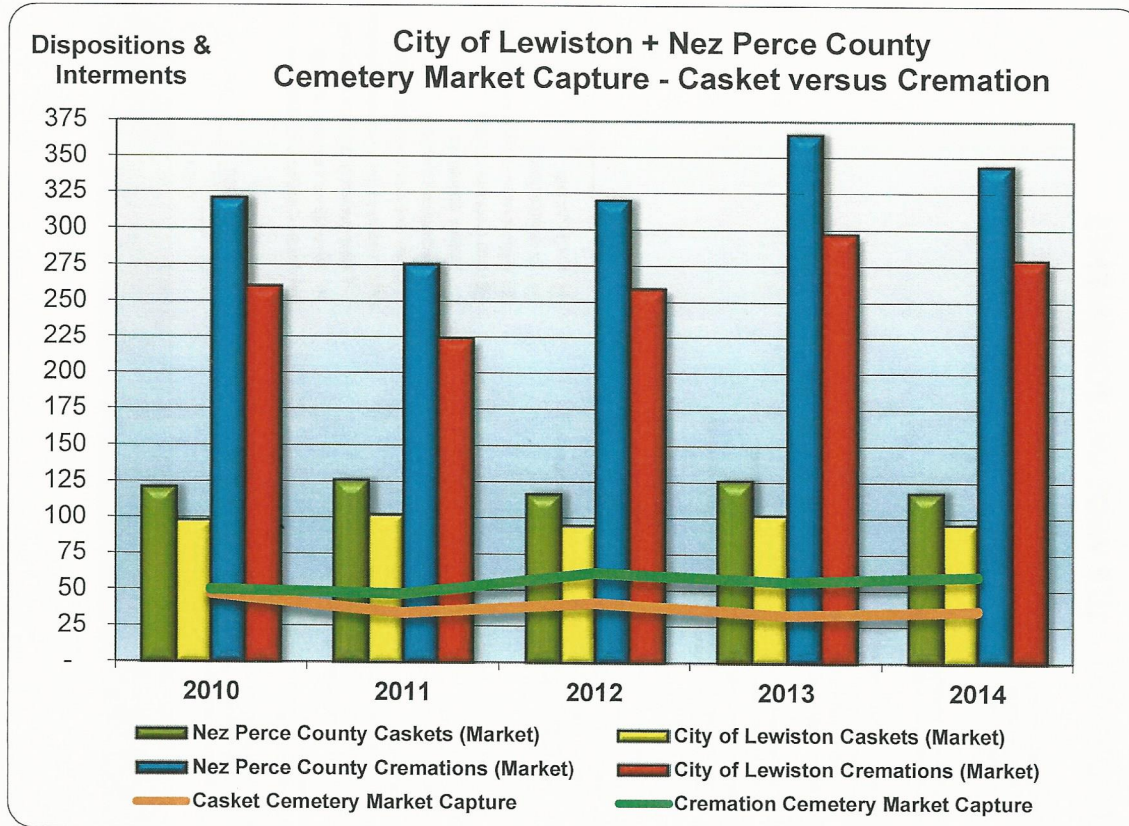


Figure 54: 2009 to 2014 City of Lewiston + Nez Perce County Cemetery Market Capture Overview,
Source: LEES+Associates, City of Lewiston Interment Records, United States Census Bureau Data and State of Idaho Department of Health and Welfare Vital Records.

Historically from 2009 to 2014, the City of Lewiston's Normal Hill Cemetery has experienced an annual average:

- 38 caskets interred (39% of casket market capture);
- 55 cremations interred (21% of cremation market capture), and
- A total 93 interments per year.

APPENDIX D – NORMAL HILL CEMETERY CONCEPT DESIGN - SITE WIDE IMPROVEMENTS



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FINAL CONCEPT - SITEWIDE IMPROVEMENTS
NORMAL HILL CEMETERY MASTER PLAN

Drawing: 1 of 7
Rev: 1
Date: October 16, 2015
Drawn/Checked: EP/EL
Scale: 1"=200' @ 11x17L

Figure 55: Normal Hill Cemetery Site Wide Improvements, Source: LEES+Associates.

LEES+Associates
70



APPENDIX E – NORMAL HILL CEMETERY CONCEPT DESIGN – CREMATION GARDEN INFILL



Figure 56: Cremation Garden Infill, Source: LEES+Associates.



APPENDIX F – CITY OF LEWISTON STAKEHOLDER CONSULTATION SUMMARY

Attended: Erik Lees, (LEES + Associates – L+A)
Subject: Primary themes arising from stakeholder consultations July 6, 2015
LEES+Associates Observations + Notes.

SITE MAINTENANCE + OPERATIONS

- On the whole, site maintenance was considered above average;
- The “Red Shirts” do a good job and are very affordable;
- As the trees and shrubs that have been planted reach maturity or over maturity, they become problematic for maintenance staff;
- Over grown shrubs, often planted by families years ago are both a maintenance problem and have become unsightly;
- Turf maintenance is done almost entirely by the Red Shirts, using custom built 12" cutters;
- Arboricultural tasks are directed by the Arborist. These tasks are executed by him and a combination of the Red Shirts and City staff;
- Soils are iron poor and alkaline which means maintenance can be a challenge for managers;
- Over 70 species exist on the site. There is an opportunity exists to partner with Lewis Clark College;
- Shrub and tree maintenance standards are required;
- A headstone maintenance and restoration strategy is required;
- Record keeping is accurate, but needs to be integrated with a proper cemetery software system to avoid mistakes and facilitate multiple people being able to do the job that at present is only being done by one person;
- Irrigation system is good and the wells have capacity, but rain sensors and some upgrading needed;
- Water available to fill flower vases would enhance ability to ban artificial flowers, and
- There is only one full time position at the cemetery, which poses a problem when he is away on holidays or otherwise away from the site.

OPENING AND CLOSING

- Opening and Closing (O/C) is contracted out to Wilbert out of Spokane, Washington;
- Wilbert's O/C service is at or below average compared to that witnessed by staff and funeral directors at other cemeteries (torn and dirty greens, lowering devices that are not reliable, unprofessional appearance of Wilbert staff; and older mechanical equipment);
- Stakeholders could not recall when the last time the contract for O/C services was tendered.



CODE ISSUES

- A sufficient number of code issues arose, including:
 - Ad hoc planting of shrubs;
 - Artificial (usually silk) flowers create an unkempt appearance.

The issue is that adornment needs to be addressed in the code and enforced.

- Sufficient notice time needs to be specified in the Code so that grave confirmation, opening and closing can occur within a time frame that is reasonable;
- The Fee Schedule needs to be updated to include disinterment and other fees;
- Consider allowing dogs on leash;
- Headstone size, height, location and placement fee is not presently referenced in the Code.

CUSTOMER SERVICE ISSUES

- It has been many years since there was a private family room available for families to make their arrangements;
- There was mixed feelings whether a private family room was needed given the advent of the internet and the role of the funeral homes in making the arrangements with the families;
- Only 5 - 10% of families actually come to the office;
- The present office is bursting at the seams with staff, equipment and nominal space for the Red Shirts for a space to store their clothes;
- The building is a "mash-up" of spaces that has been re-purposed many times. HVAC is poor;
- The combination of fuelling equipment and "outside" language is not conducive to customer service;
- The building is not client-friendly and lacks public washrooms;
- At the present time, funeral directors are the first and main contact with the families as they make their disposition choice - and if it is burial, where at the cemetery the burial will occur;
- Communication with the City is required to confirm the availability and location of the grave;
- Consistent office hours are needed according to the funeral home directors;
- This can sometimes take longer and be more cumbersome than necessary;
- At the present time there is not a ceremonial space or place at Normal Hill;
- A number of stakeholders believe that a ceremonial space not only enhances the experience for families and their friends but is what will be expected in the future;
- Columbaria around the historic mausoleum was suggested;
- The existing columbaria area does not have an adequate assembly area on the south side and in fact the drop off down the sloped bank could be slippery;
- The idea of including a pet cemetery was identified;
- A scattering garden is warranted;
- Consideration of a veteran's area;
- The idea of utilizing digital mechanisms (such as iCemetery and GIS linked records management) combined with or instead of digital kiosks was discussed. This could also alleviate some of the communication and timing concerns identified by staff and funeral directors, and
- The infant area in the NW corner is not well expressed.



FUTURE CAPACITY/EXPANSION

- Running out of space in the infant area
- An increased number of cremated remains interment options are required;
- Few graves available at Normal Hill and there are hardly any are doubles or greater.
- Remaining inventory includes:
 - 275 Full sized graves (this is an estimated figure. Div. C has 61, Div. 5 has 184 with around 30 more in the rest of the cemetery)
 - 76 Cremation graves
 - 81 Infant Graves
 - 6 Crypts
 - 65 Niches (7 of which are inside mausoleum).



APPENDIX G – CEMETERY PRODUCTS AND SERVICES DESCRIPTIONS

Columbaria niches are similar to the mausolea niches currently at Normal Hill, except they are more space efficient – housed within smaller stand-alone structures than mausolea. Columbaria niches are increasing in demand across North America and are very profitable. Columbaria installations at Normal Hill should be a prioritized as a key element in future development. With cremation on the rise and their popularity at cemeteries, niches are a key source of sales growth and provide effective conservation of limited land capacity. Columbaria construction costs vary widely depending on size, design details and the amenities placed within the adjacent landscape.

Scattering gardens are areas in a cemetery that provide an attractive natural or ornamental setting, dedicated to the scattering of cremated remains. Scattering gardens often include memorial walls. With increasingly mobile families and people choosing not to inter the cremated remains of their loved ones in a cemetery environment, there is a large market for the sale of plaques that will enable people to memorialize family members whose remains are interred or scattered elsewhere. Developing scattering gardens at Normal Hill Cemetery offers another opportunity to improve the cemetery's means of meeting the rising demand for the interment of cremated remains.

Community and family vessels are large, secure containers designed to hold several smaller urns that contain the remains of members of one family, neighborhood or community group. These vessels are a new interment option in North America, therefore the introduction of a new product into the community will require target marketing time and investment to increase the awareness of this new option. Best practices advise that vessels inventory be invested in phases, as driven by demand – with small numbers of inventory on hand to show customers. These vessels can be strategically located at attractive positions adjacent to scattering gardens, columbaria and paths.

Green burial is emerging as a type of full body interment that is attracting increasing interest across North America. Also known as “natural burial,” “country burial” or “woodland burial,” this type of interment is still relatively uncommon.

Green burial is defined as traditional earth burial with:

- No embalming;
- Burial directly in the ground;
- No use of grave liners or vaults;
- A fully biodegradable burial container (casket or shroud);
- Interment sites planted with only indigenous groundcover, and
- No individual grave markers.

Green burial has three core tenets:

- Social;
- Economic, and
- Environmental Sustainability.

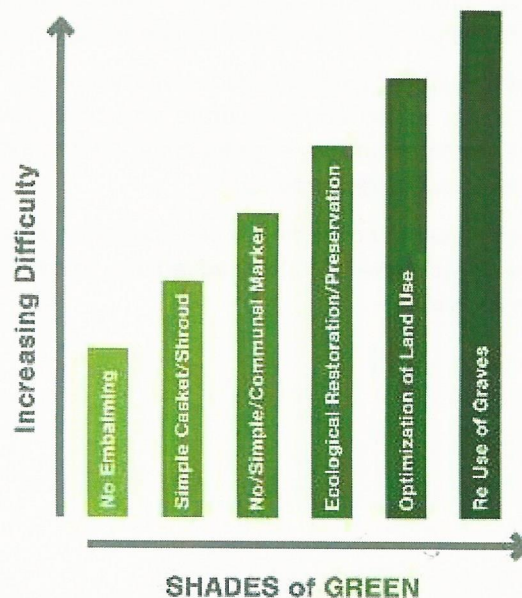


Figure 57: Shades of Green in
Green Burial Practices,
Source: LEES+Associates.



Societal trends exhibit a preference for environmentally sustainable choices, opening up green burial as an attractive service option and new revenue stream. Green burial can generate equivalent or larger margins than other interments due to the intrinsic ethical value families place on this service.

Green burial cemeteries can be either meadows or a wooded area with minimal maintenance, and no memorials marking the grave. This concept could also take place in a separate area of developed cemeteries.

Green burial allows for slightly shallower excavations (1.2m/ 4' depth) compared with the 1.8m/6' depth of conventional burials. Excavated soils do not need to be removed, nor does the grave need to be replanted with turf grass. Families typically pay for the re-vegetation of graves with native plant materials, which gradually restores the area to a more natural condition.

With the involvement of environmentalists, scientists, lawyers, and representatives from the funeral service industry, the US Green Burial Council has set forth the World's first standards for burial grounds, funeral homes and burial products. The Council maintains all relevant documentation (i.e. conservation easements, deed restrictions, general price lists, material safety data sheets, engineering reports) to demonstrate proof of compliance with green burial standards.

Green burial has its roots in a desire felt by some to reconnect with the key events of life, including death, and to restore the personal meaning to the traditions that surround these events. Many who would otherwise choose cremation are attracted to green burial, especially as it better meets their environmental values by imposing a much smaller "environmental footprint."

Choosing green burial is for many an expression of their personal values. Since the people choosing green burial would typically not choose to be interred in a conventional cemetery, offering green burial could be a means of tapping into a market segment that is currently unavailable.

Most people have heard of green burial and are curious to learn more about it. The largest green burial area in a public cemetery in North America is the "Woodlands" at Royal Oak Burial Park near Victoria, BC. This site opened in late 2008 and since then has sold over 70 at-need and 100 preneed lots. Offering green burial is advantageous in terms of its **marketing value**. Print, TV and radio media are very attuned to stories about green burial. Stephen Olson, the Executive Director of Royal Oak attests to the promotional value of green burial to his cemetery.¹⁹

Green burial should be just as valued – and valuable – as traditional burial grounds and for that reason should be priced commensurate with other full depth burial sites. Over the long term, maintenance becomes less as a green burial area is expected to return to nature, if not take on a naturalistic, less manicured appearance.

Due to the small number of cemetery sites currently offering green burial, any new dedicated green burial cemetery will have a distinct advantage to capture significant market share from families interested in the service.

¹⁹ CTV News, 'More people opting for 'The Green Goodbye', February 20, 2013
(<http://bc.ctvnews.ca/more-people-opting-for-the-green-goodbye-1.1158345>)



APPENDIX H – CEMETERY PRICE BENCHMARKING STUDY

2015 Regional Cemeteries Rates Comparison											
Item	Normal Hill Cemetery Master Plan	Mountain View Cemetery	Evergreen Cemetery	Fielding Cemetery	Mountain View Cemetery	Restlawn Cemetery	Moscow Cemetery District	LC Memorial Gardens - Funeral Home	Vineland Cemetery	City View Cemetery	Competitor Average
City	Lewiston, ID	Mountain Home, ID	Post Falls, ID	Idaho Falls, ID	Pocatello, ID	Pocatello, ID	Moscow, ID	Lewiston, ID	Clarkston, WA	Pasco, WA	
Population	37,000	13,800	29,000	58,000	54,300	54,300	24,500	37,000	7,300	68,600	38,533
Sale of Cemetery Lots											
PCF	yes	n/a	n/a	no	no	no	yes	yes	yes	yes	
Single Depth Adult Plot	\$1,162	\$405	\$1,300	\$450	\$872	\$872	\$650	\$1,320	\$1,095	\$1,022	\$887
Double Depth Adult Grave	\$1,434	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Infant Grave	\$314	\$233	\$750	\$200	\$437	\$437	\$0	\$50	\$545	\$325	\$331
Cremation Grave	\$314	\$208	\$750	\$450	\$872	\$872	\$470	\$1,100	\$550	\$490	\$640
Mausoleum Crypt	\$1,755	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Niches	\$1,034	\$285	n/a	\$285	n/a	\$870	n/a	\$2,495	n/a	\$1,222	\$1,031
Double /Family Niches	\$1,760	n/a	\$1,000	n/a	n/a	\$1,735	\$590	\$3,650	\$1,100	\$1,593	\$1,611

Table 15: Normal Hill Cemetery Price Benchmarking, Source: LEES+Associates + Municipal and Cemetery Operator Websites / Consultations, Source: LEES+Associates.



2015 Regional Cemeteries Rates Comparison											
Item	Normal Hill Cemetery Master Plan	Mountain View Cemetery	Evergreen Cemetery	Fielding Cemetery	Mountain View Cemetery	Restlawn Cemetery	Moscow Cemetery District	LC Memorial Gardens - Funeral Home	Vineland Cemetery	City View Cemetery	Competitor Average
City	Lewiston, ID	Mountain Home, ID	Post Falls, ID	Idaho Falls, ID	Pocatello, ID	Pocatello, ID	Moscow, ID	Lewiston, ID	Clarkston, WA	Pasco, WA	
Population	37,000	13,800	29,000	58,000	54,300	54,300	24,500	37,000	7,300	68,600	38,533
Opening and Closing											
Adult Burial - Single Depth	\$693	\$297	\$450	\$325	\$575	\$575	\$525	\$895	\$765	\$725	\$570
Adult Burial - Double Depth	\$735	n/a	n/a	n/a	n/a	n/a	\$226	n/a	n/a	n/a	\$226
Infant Burial	\$440	\$168	\$450	\$200	\$290	\$290	\$55	\$0	n/a	\$450	\$238
Cremation Burial (1st right)	\$440	\$142	\$450	\$125	\$270	\$270	\$331	\$595	\$535	\$275	\$333
Cremation Burial (2nd right)	\$706	\$130	\$225	\$125	\$270	\$270	\$331	\$700	\$535	\$221	\$312
Adult Entombment	\$456	n/a	n/a	n/a	n/a	\$0	n/a	\$895	n/a	n/a	\$448
Niche Inurnment	\$378	\$154	\$300	\$125	n/a	\$0	\$340	\$450	\$220	\$275	\$233
Additional Fees											
Monument Staking Fee	\$48	n/a	\$75	\$0	\$0	\$0	n/a	\$100	\$40	\$215	\$61
Quitclaim Recording Fee Transfer of Deed	\$25	n/a	\$50	\$10	\$35	\$35	n/a	\$25	\$0	\$35	\$27
Saturday Open Closing Service	\$106	\$118	\$275	\$150	\$200	\$200	\$175	\$200	\$100	\$375	\$199
Sunday Open Closing Service	\$175	n/a	n/a	n/a	n/a	n/a	\$350	n/a	n/a	\$645	\$498
n/a - A price for this product/service was not available or there is no fee on record at this cemetery at time of research.											

Table 16: Normal Hill Cemetery Price Benchmarking, Source: LEES+Associates + Municipal and Cemetery Operator Websites / Consultations, Source: LEES+Associates.



APPENDIX I: ACCOUNTING PRACTICES + PERFORMANCE

City of Lewiston financial statements are prepared in accordance with US Generally Accepted Accounting Principles (GAAP). These are the accounting principles adopted by the U.S. Securities and Exchange Commission (SEC).

REPORTING: REVENUE

Cemetery sales revenue is presently posted under four main accounts.

"City Recording Fee" (\$333 from each opening and closing), "Interment Fee" (Direct Burial Fees and 2nd Right Interment Cremains) and "Other" (for Staking and Quitclaim recording fees) "Sale of Plots" (for graves and niche sales). Increases in cemetery sales has driven 9.5% revenue growth at Normal Hill Cemetery over the past 3 years.

The balance of the Opening & Closing Fees advertised in the Cemetery Brochure is paid to the outsourced firm that provides burial services at Normal Hill Cemetery, Wilbert Precast Inc²⁰ of Spokane, Washington. The City does not track sales by each type of cemetery product and service sold at Normal Hill within its financial reporting system.

Based on the City's annual report of grave and niches sold outlined, we can estimate that from 2012 to 2014, approximately 58.5% of revenue can be attributed to casket interments and 41.5% can be attributed to cremation interments (mostly from urn burials).

Cemetery also receives an "Inter-fund Transfer", an annual allocation from the Perpetual Care Fund to the Cemetery Operating Fund and the City's Cemetery Operating Fund also earns a small amount of interest each year, which is recorded under the "Interest and Dividend Earnings" account.

REPORTING: EXPENSES

City labor costs are summarized in four accounts "Salaries", "Payroll Taxes", "PERSI" (Public Employee Retirement System of Idaho) and "Medical Insurance.

The City have an opportunity here to improve performance measurement by identifying and tracking labor costs by function (**e.g. customer service, management, sales, maintenance, and burial service**) to measure the cost effectiveness of each element of operations. Financial software often has fields or codes that can be assigned to cost type, which can then be printed out in report by activity or department.

In addition to tracking labor, identifying all site maintenance cost is an important variable in Perpetual Care Fund planning. The City's "Maintenance Expense" for the cemetery consists of four accounts, "Contracted Services" and "Rental (FLT MAINT M&O)", "Special and Technical Equipment" and "Motor Fuel".

"Contracted Services" is primarily used to record payment to the Department of Corrections for the "Red Shirt" crew' site maintenance and other miscellaneous services to the City cemetery. "Rental (FLT MAINT M&O)" records the maintenance contract fees paid to the City's Service Center to cover the maintenance and repair costs of cemetery equipment. "Special and Technical Equipment" is

²⁰ <http://www.wilbertprecast.com/>



used to make purchase of small equipment, such as special tools for maintenance, and the "Motor Fuel" accounts for the fuel required to operate equipment at the cemetery.

In North America, maintenance (including labor) usually account for 50% to 70% of total municipal cemetery costs. The City currently has a lower proportion of its expenses (42%) currently allocated to maintenance then is typically seen in the cemetery industry.

Other expenses at Normal Hill Cemetery include "Utilities", "Dues & Subscriptions", "Operating Supplies" and of "Depreciation – Vehicles/Equipment".

Contracted services, operating supplies and equipment expenses have driven cost growth at Normal Hill. Cemetery labor costs have actually declined over the past 3 years.

HISTORIC FINANCIAL PERFORMANCE

The following graph summarizes the financial position for the City of Lewiston's Cemetery Operating Fund from 2012 to 2014.

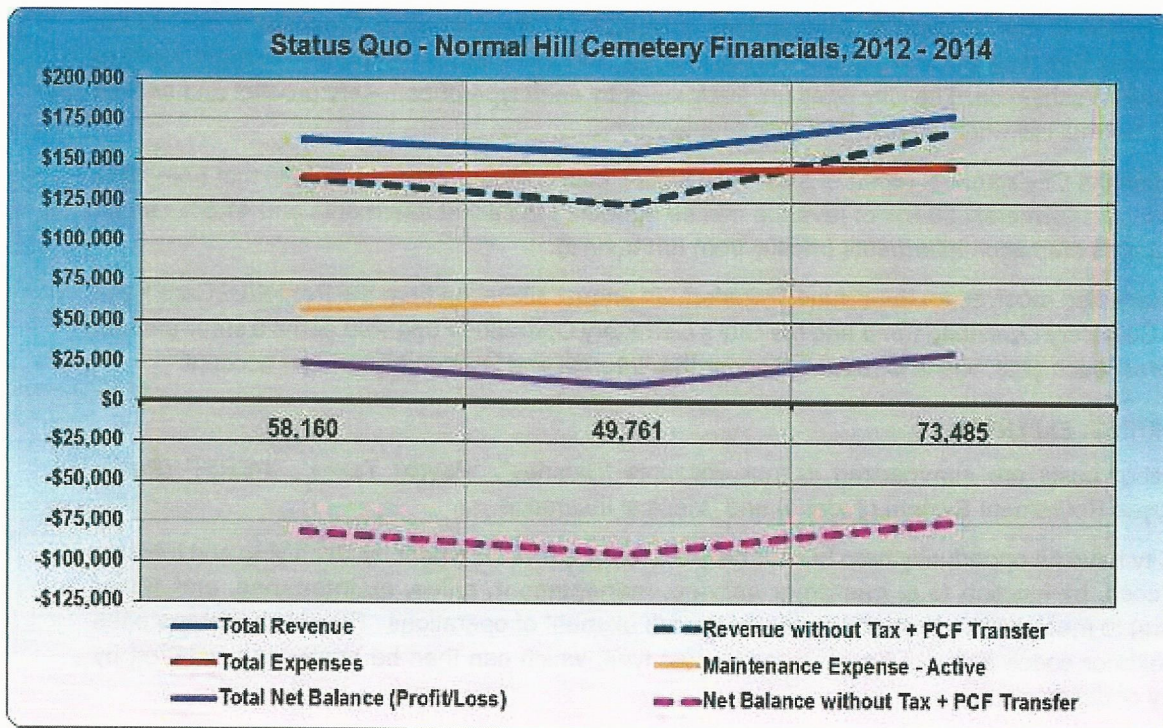


Figure 58: Normal Hill Cemetery 3 Year Historic Revenue, Expenses and Net Balance (Profit/Loss),
Source: City of Lewiston Financial Records + LEES+Associates.



The following graph summarizes the historic and current financial position for the City of Lewiston's cemetery PCF.

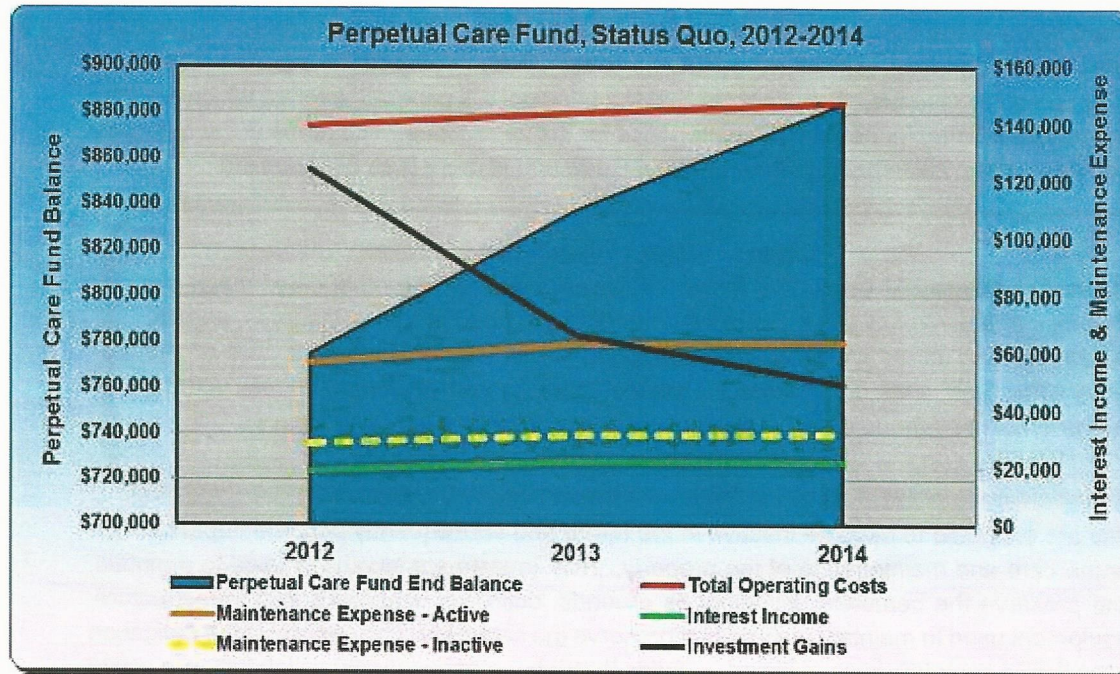


Figure 59: Perpetual Care Fund Status Quo 2012 - 2014,
Source: LEES+Associates + City of Lewiston Financial Records.

REPORTING: ASSETS + LIABILITIES

Normal Hill Cemetery has not had any major capital purchases in the last 5 years. All improvements have been covered by the Cemetery's Operating budget. Cemetery's assets are minimal and have historically been capitalized under "General Fund Assets". The City's Operating Cash account has steadily increased 59% over past three years, and its current balance now stands at about \$83,000.

UNIQUE PRACTICES

The City offers a 12-month interest free, pre-need protection plan, as an alternative method of payment when purchasing graves and niches at Normal Hill. This service is often used when clients learn about this option, however it is not widely known that the City Cemetery offers this. This is an uncommon practice at North American municipal cemeteries. This is a best practice for cemetery sales, as increases family payment options and often increases short term, pre-need sales. These pre-needs sales are currently recorded as revenue when payments are received.

The City has a few pre-need contracts going at all times at the cemetery. Half of these are because families didn't have the money up front for the extra graves that they wanted so they start up a contract and many of them pay off the remaining balance in a few months. City staff believe more people would be attracted to Normal Hill Cemetery and use this plan if they knew about it. City staff mention this option when people inquire about buying graves, but they are not certain that local funeral homes are passing on this information along to the families.



APPENDIX J: PERPETUAL CARE OVERVIEW

An important factor in the future viability of a cemetery is the adequacy of its Perpetual Care Fund (PCF). Most North American cemeteries contribute to a PCF by setting aside a portion of lot fees and/or other cemetery revenue. It is expected that the principal will generate interest which will then be used to provide funding for perpetual maintenance for the cemeteries. The terms of the cemetery PCF are outlined and established by State of Idaho Code and is more than 60 years old.

Statutes - Idaho Legislature:

"Endowed or Perpetual Care. The terms "endowed care" or "perpetual care" mean the maintenance and care of all places where interments have been made, of the trees, shrubs, roads, streets and other improvements contained within and/or forming a part of the cemetery. The term shall not include the maintenance or repair of monuments, tombs, copings or other man-made ornaments as associated with individual burial spaces."

Cemeteries are expected to become inactive in the future and subsequently become dependent on a PCF for the care and maintenance of the property. PCF investment income is used to maintain, secure and preserve the cemetery, including its grounds, buildings, structures and infrastructure, and the equipment used to maintain, secure and preserve the cemetery. This maintenance obligation begins at the time a cemetery is established, extends through the period during which they are active and generating revenue, and continues long after they are full and no longer generating sales.

The level of care at North American cemeteries varies widely. While a cemetery is active, it is in the interests of its owner to maintain it so the site will attract families seeking a pleasant, respectful and safe environment for the interment of their loved ones. Once it is no longer active, there is less incentive for an owner to invest in site care and maintenance.

A PCF grows through annual contributions, market value gains and interest retained within the fund. Annual contributions are often (but not always) legislated. If a PCF is not adequately funded, a tax subsidy will be required to maintain a cemetery after it is full and after operating revenues cease. It is important to recognize that long term changes in community demographics, interment choices (cremation or burial) and memorialization practices will have an impact on the level of revenues received. As demand increases, so do projected sales.

State of Idaho Cemetery Code:

"There is hereby created a fund to be known as the perpetual care fund. Such fund shall be so invested by the city treasurer at the discretion of the council as to produce its maximum income commensurate with safety. The income from such fund shall be used to care for and maintain the cemetery; provided, however, that the council may retain income from the sale of stocks, bonds, and other investment securities, to the extent of five thousand dollars (\$5,000) annually, to offset capital losses, if any, from the sale of investment securities. The principal of such fund shall not be used for any purpose other than providing an income for the purposes specified herein. (Ord. No. 3076, § 1, 4-10-72)"



APPENDIX K: CEMETERY INDUSTRY MARKETING METHODOLOGIES OVERVIEW

ONLINE + OFFLINE MEDIA OPTIONS

Websites are the foundation for marketing presence in a strongly competitive cemetery market. Whether potential customers perform a Google search or if one is trying to extend their other marketing initiatives such as print advertising or radio advertising, an engaging informative website is the hub for today's customer acquisition (and retention) strategies.

The strongest cemetery websites include, photos, prices, pre-need information, a site map, staff contact information, and a link to **Google AdWords**.

There is significant opportunity for Normal Hill Cemetery to enhance its web presence. A detailed explanation of each website criterion employed in **Table 7**, found in **Chapter 7**, is summarized below:

Photos: Professional photos are one of the best ways to convey the "feeling" of a cemetery. It is hard to describe a cemetery in words alone and with the increased popularity of mobile devices, photo sharing has become even more popular. There is a growing expectation that customers will see high quality photos online. The City's web site currently only offers two small historic images; there are no current images of cemetery landscape, including the site's magnificent trees, nor any people, funeral processions or other images that would convey the quality of the cemetery.

Fees: As families undertake cemetery research, the number one piece of information they are looking for is price. It is not that they will necessarily be looking for the cheapest option, but pricing will factor into the decision-making process. When cemeteries don't publish their prices, the consumer may think that there is something being hidden. The Normal Hill Cemetery brochure which includes pricing details is not accessible via the cemetery pages within the City's website.

Pre-need Info: In a small geographic market with numerous cemeteries, like Lewiston, promoting the benefits of preplanning is a point of differentiation. It is a necessity to have pre-need information on the City's cemetery website.

Site information: Genealogical, site availability and funeral location information requests consume valuable staff time and can lead to customer frustration if they are not readily available. Currently, this information is not available online. Having an interactive, mobile and PDF version of cemetery maps will not only increase the experience of the visitor to the cemetery but also reduce the demand on staff to provide this information when requested. This creates increased efficiency that can be applied toward other marketing and service improvements.

Staff: During periods of grief and bereavement, making families comfortable is imperative. An easy way to work towards this is to provide a listing of cemetery staff, preferably with a photograph. The cemetery web page does list key staff contacts. The City should look to providing links to the websites of Lewiston area funeral homes if funeral home staff will continue to be the most intimate point of contact with customers.

Contact Form: Once visitors arrive at the website, that website should provide as many ways of communicating with the City as possible. Along with phone numbers (hyperlinked so that mobile users can just click to call) and email addresses, a contact form can be created to facilitate further information and consequently segment inquiries to the various departments for priority response.



For example, maintenance and product requests could be automatically forwarded to the appropriate contacts.

Cemeteries often advertise in **newspapers** despite their shrinking size and declining popularity, because paper readership remains among the 50-plus market readership. Rates are often very favorable these days because of the decline of the medium.

In going this route, it is important to consider staying away from obituary pages, which is where many cemeteries and funeral homes default. Instead, going for lifestyle pages or sections that feature the main body of the news will help the GOP to differentiate itself. Talk or news **radio**, 'oldie' radio stations and cable **television** are also forms of media popular among Baby Boomers.

Another way to generate interest is to participate in **social media**. Facebook, Twitter, LinkedIn, Google+ and YouTube pages are good places to especially engage younger audiences.

CEMETERIES AS CULTURAL RESOURCES / CEMETERY PROGRAMMING

Finally a very effective strategy is to look for **event opportunities** to host at the cemetery. LEES+Associates are proponents of developing a strong, creative program for cemeteries, including accommodating public art, community celebrations and events on site. For example, Vancouver's annual "Night for All Souls"²¹ is hosted at Mountain View Cemetery, and the cemetery has many regular contributors and volunteers over the last 6 years.

Aside from Halloween (a well-known day associated with cemeteries), there are other opportunities to work with school children to decorate graves in the week leading up to **holidays** such as Memorial Day, Father's and Mother's Day, as regular events. Other possible opportunities for community engagement includes hosting **photography contests** and community **art exhibitions**.

Over the past few years, there has been a movement within North American cemeteries to expand their role from providing only interment services, to hosting and providing a venue for non-interment related events. This reflects a new trend to diversifying cemetery programming ("programming" refers to everything that is expected to - i.e. should and could - occur at a cemetery site.)

The impetus for this trend seems to be a growing desire to restore links between cemeteries and the communities they were established to serve. Cemeteries are achieving this objective by finding ways to increase the public's perception of cemeteries as relevant and attractive places.

They are seeking to broaden public expectations of what a cemetery is and does, and to establish a place for cemeteries in the system of public open spaces and cultural landscapes.

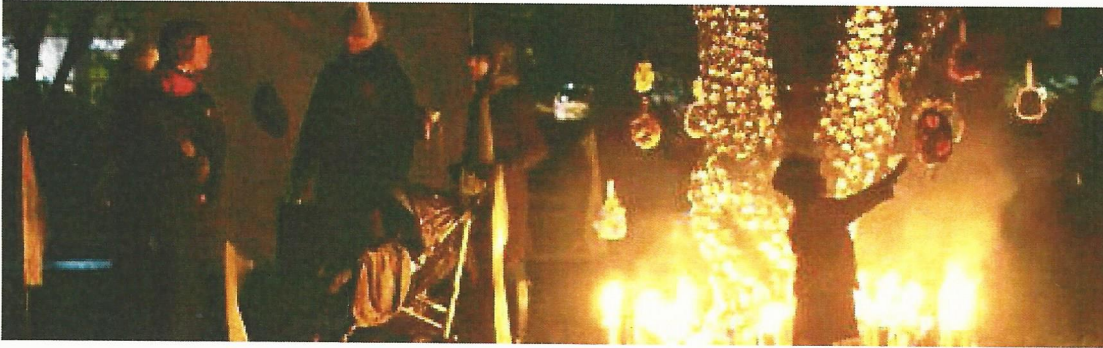
Enhancing public awareness and understanding of the roles that cemeteries can play in the day-to-day life of a community can build support for broader public uses. This can include less traditional uses, such as providing space for recreational uses and cultural events. This in turn can enhance the perceived value of cemeteries in the public parks and open space system.

²¹ All Souls Night at Mountain View Cemetery

<http://vancouver.ca/news-calendar/all-souls-at-mountain-view-cemetery.aspx>



Such projects could range from offering local history tours, to cleaning or repatriating headstones, to preparing interpretive brochures and signage about the cemetery. Projects such as this, intended to “tell the story” of those buried in Normal Hill Cemetery deserve consideration and support. Such projects requires input from the City to ensure that initiatives in the community are coordinated to meet appropriate standards and convey a desirable standard of design and execution.



*Figure 60: Mountain View Cemetery on “All Souls Night”, Vancouver, B.C.
Source: City of Vancouver website*



APPENDIX L: GLOSSARY OF CEMETERY TERMS

Adapted from various sources by LEES+Associates.

AT-NEED	▪ At the time of, or immediately following, death. ▪ Usually refers to the time of purchase of funeral or cemetery services.
BOOK OF MEMORIES	▪ Plaque with list of names of the deceased who typically are located in areas not readily accessible. ▪ A type of memorial monument.
BURIAL	▪ One form of interment. ▪ The placement of human or cremated remains in a grave.
BURIAL LINER	▪ Similar to a burial vault, but without a bottom. With a burial liner, the casket is lowered directly onto the earth.
BURIAL PERMIT	▪ A legal document issued by a regulatory authority authorizing final disposition of human remains.
BURIAL VAULT	▪ A protective, sealable outer receptacle, into which a casket or urn is placed, designed to restrict the entrance of gravesite elements into the casket or urn.
BYLAWS	▪ The written regulations, rules or laws governing the organization, management and operation of a cemetery, mausoleum, columbarium or crematorium.
CARE FUND (also known as PERPETUAL CARE FUND or MAINTENANCE FUND)	▪ An irrevocable trust fund established, held and administered in accordance with applicable law, with the income from the fund to be used for the upkeep and repair of a cemetery, mausoleum or columbarium.
CASKET	▪ A rigid container usually constructed of wood, metal or similar material, ornamented and lined with fabric, designed for the encasement of human remains.
CASKET ENTOMBMENT	▪ When a casket is interred in a mausoleum.
CEMETERY SERVICES	▪ The disposition of human remains by interment or cremation and includes the supply of goods incidental to the provision of such service, but does not include the sale of lots.



COLUMBARIUM (plural: COLUMBARIA)	▪ A structure, building, an area in a structure or building that contains, as an integral part of the structure or building or as a freestanding sections, niches for the inurnment of cremated remains. ▪ Can be "Individual", "Family" or "Community", based on the number of niches, and how they are sold.
COMMEMORATION	▪ A ceremony, service or symbol of memory for a person/people or event
COMMINGLING	▪ The mixing of the cremated remains of more than one deceased person.
CONTAINER	▪ A self-contained receptacle or enclosure other than a casket, made of rigid cardboard, pressed wood or other similar material that is of sufficient strength to hold and conveniently transport human remains, but does not include a metal or fibre glass casket, or receptacle or enclosure made of plastic or similar substance, or a pouch or bag.
CREMATED REMAINS	▪ The human bone fragments that remain after cremation that may also include the residue of any other materials cremated with the human remains.
CREMATION	▪ The irreversible reduction of human remains to bone fragments through the application of flame and intense heat; in some jurisdictions this may include the repositioning or movement of the body during the process to complete the cremation; and the manual or mechanical reduction of the bone fragments after removal from the cremation chamber.
CREMATION LOT	▪ A space used, or intended to be used, specifically for the interment of cremated remains. ▪ Typically, a smaller than full-sized lot.
CREMATORIUM	▪ The building or part of a building that is fitted with approved appliances for the purpose of cremation human remains and includes everything incidental or ancillary to it.
CRIB GRAVE	▪ A grave lot surrounded by a small picket fence.
CRYPT	▪ One kind of lot. ▪ Typically, a space in a mausoleum used or intended to be used for the entombment of human remains.



DEATH CERTIFICATE	▪ A legal document certifying the vital statistics pertaining to the life and death of a deceased person.
DIRECT (or IMMEDIATE) DISPOSITION	▪ The final disposition of human remains without any formal viewing or visitation, ritual, rite, service or ceremony.
DISINTERMENT	▪ The removal of human remains, along with the casket or container or any remaining portion of the casket or container holding the remains, from the lot in which the remains had been interred.
DOUBLE DEPTH LOT	▪ A lot dug at extra depth at the time of the interment of the first casket to allow for the accommodation of a second interment at regular depth.
EASEMENT	▪ The right acquired, whether or not supported by a certificate, to interment in a lot.
ENTOMBMENT	▪ One form of interment. ▪ The placement of human remains in a mausoleum crypt.
FAMILY COLUMBARIUM	▪ See columbarium
FAMILY ESTATE LOTS	▪ A family estate lot contains 6-12 lots together.
FAMILY VESSEL	▪ A large urn for several cremated remains. Remains may be commingled or may be contained in smaller, individual urns, held within the larger vessel.
FLAT MARKER	▪ A grave marker set flush with the ground.
FUNERAL SERVICES	▪ The arrangements, care and preparation of human remains for interment, cremation or other disposition and includes the supply of goods incidental to the arrangements, care and preparation, but does not include the sale of lots.
GRAVE	▪ One kind of lot. ▪ A portion of ground in a cemetery, used or intended to be used, for the burial of human remains or cremated remains.
GRAVE LINER	▪ A fibreglass or concrete structure installed over a casket once it has been placed in the grave.
GRAVE MARKER	▪ Can be in-ground (flat) or upright.
GREEN BURIAL	▪ A more environmentally conscious alternative to "traditional burial." Typically includes: a. no embalming;



	b. burial directly in the ground without a grave liner or vault; c. a fully biodegradable burial container (casket or shroud); d. interment sites planted with indigenous ground cover, and e. without individual grave markers.
INTERMENT	▪ Disposition by: a. burial of human remains or cremated remains in a grave; b. entombment of human remains in a mausoleum, crypt, or; c. inurnment of cremated remains in a columbarium niche.
INURNMENT	▪ One form of cremated remains interment. ▪ The process of placing cremated remains in a receptacle including, but not limited to, an urn and placing the urn into a niche.
LAWN CRYPT	▪ A concrete or other durable and rigid outer receptacle installed in a grave prior to burial.
LOT	▪ A space used, or intended to be used, for the interment of human remains or cremated remains under a right of interment and includes a grave, crypt, niche or plot.
LOT HOLDER	▪ The person in whose name the right of interment in a lot is registered in the records of a cemetery and, where the interment has taken place, includes the person who has legally acquired ancillary rights to the lot.
MAINTENANCE FUND (also known as CARE FUND or PERPETUAL CARE FUND)	▪ A fund established for the upkeep and repair of a cemetery, mausoleum or columbarium.
MAUSOLEUM (plural: MAUSOLEA)	▪ A structure or building that contains interior or exterior crypts designed for the entombment of human remains.
MAUSOLEUM CRYPT	▪ A chamber of a mausoleum or sufficient size for entombment of human remains.
MEMORIAL	▪ A product, meeting the bylaw standard of a cemetery, used or intended to be used to identify a lot or to memorialize a



deceased person interred or to be interred in a lot, including but not limited to:

- a. a marker, headstone, tombstone monument, plaque, tablet or plate on a lot; or
- b. a tablet inscription, lettering or ornamentation on a crypt or niche front, or
- c. a tree, boulder or other feature so identified.

- A ceremony, rite or ritual commemorating the life of a deceased individual without the human remains being present.

NECESSARIUM

- Necessaria are stations located throughout a cemetery for filling vases and disposing of garbage. They often provide watering cans, flower vases, a rake and hand tools. They should be located within 60m from all graves.

NICHE

- One kind of lot.
- A space, usually within a columbarium, for placing a receptacle containing cremated remains.

OSSUARY

- A vessel for the interment of two or more cremated remains.
- Typically, the cremated remains are commingled

OUTER CONTAINER

- A receptacle, which is designed for placement in a lot to accept the placement of a casket or urn.

PERPETUAL CARE FUND (also CARE FUND or MAINTENANCE FUND)

- An irrevocable trust fund established, held and administered in accordance with applicable law, with the income from the fund to be used for the upkeep and repair of a cemetery, mausoleum or columbarium.

PRE-NEED

- Any time prior to death.
- Usually refers to the time of purchase of funeral or cemetery services.
- "Pre-need planning" refers to the process of making arrangements and/or entering into contracts regarding future cemetery services for one or more persons who are still alive at the time.

REGISTRAR

- The person responsible for the administration and enforcement of applicable laws and regulations relating to cemetery and funeral services. In British Columbia or



Alberta, this person is known as the "Director of Cemeteries."

SCATTERING

- The irreversible dispersal of cremated remains over land or water, or commingling in a defined area in a cemetery.

SCATTERING GARDEN

- An area within a cemetery, usually providing an attractive natural or ornamental setting, dedicated to the scattering of cremated remains.

SPIRIT HOUSE

- A wooden shelter over a grave to house the spirit of the dead, typical of certain Native American cemeteries.

UPRIGHT MARKER

- A grave marker that is not flush with the ground is mounted on a footing and intended to be visible over the surrounding finished grade.

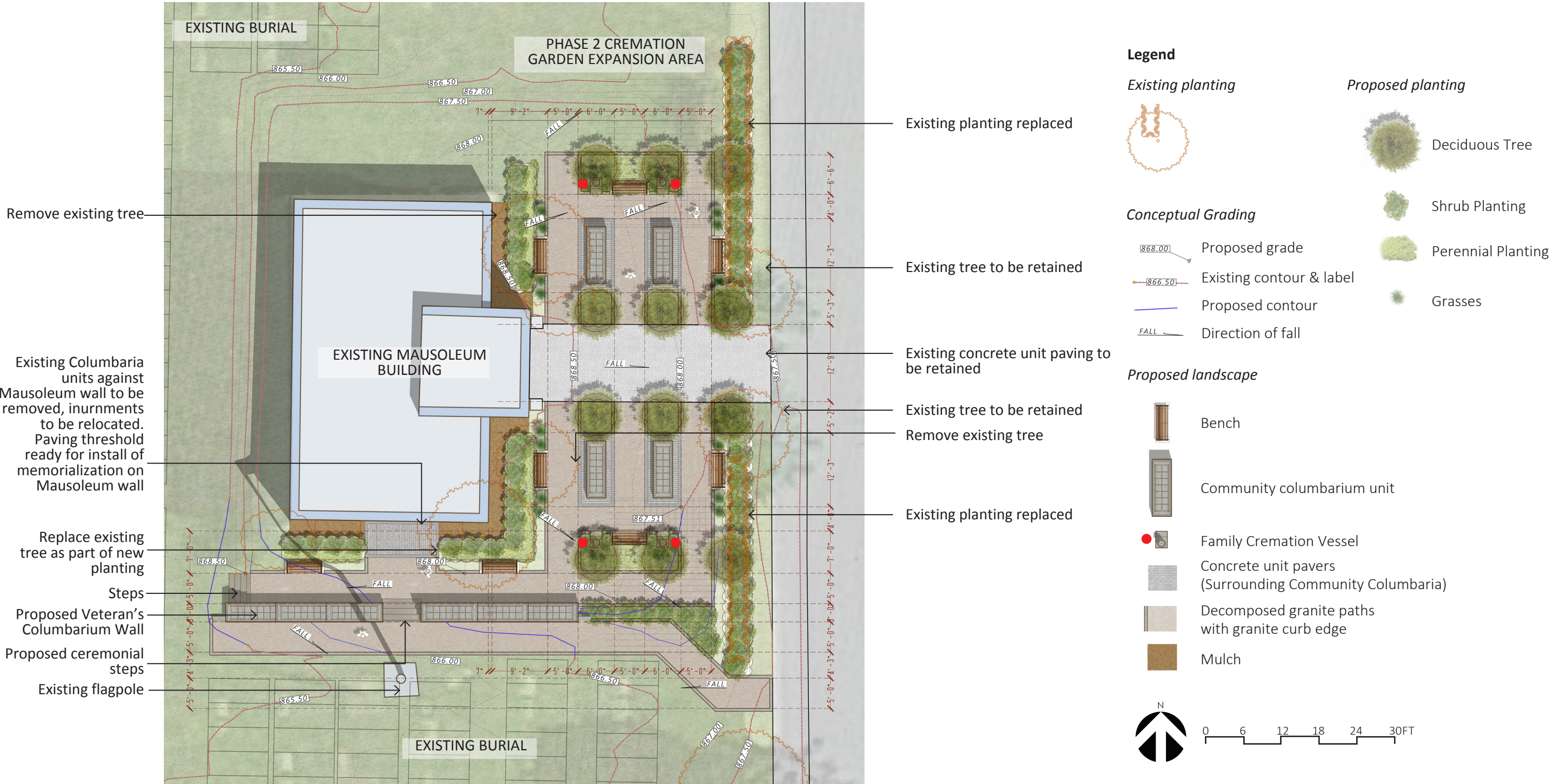
URN

- A receptacle for containing cremated remains.

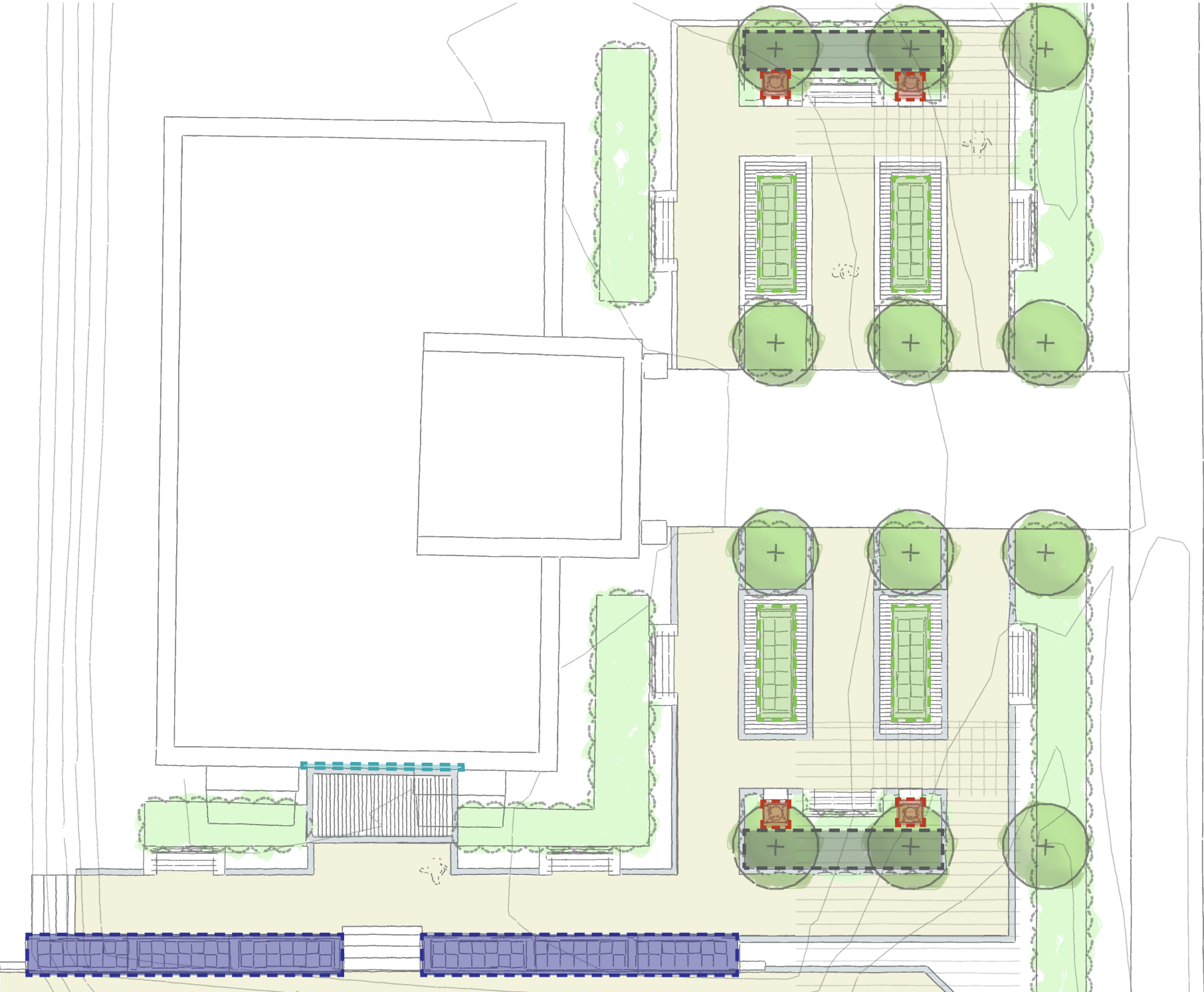
CONCEPT LAYOUT PLAN



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INTERMENT & MEMORIALIZATION

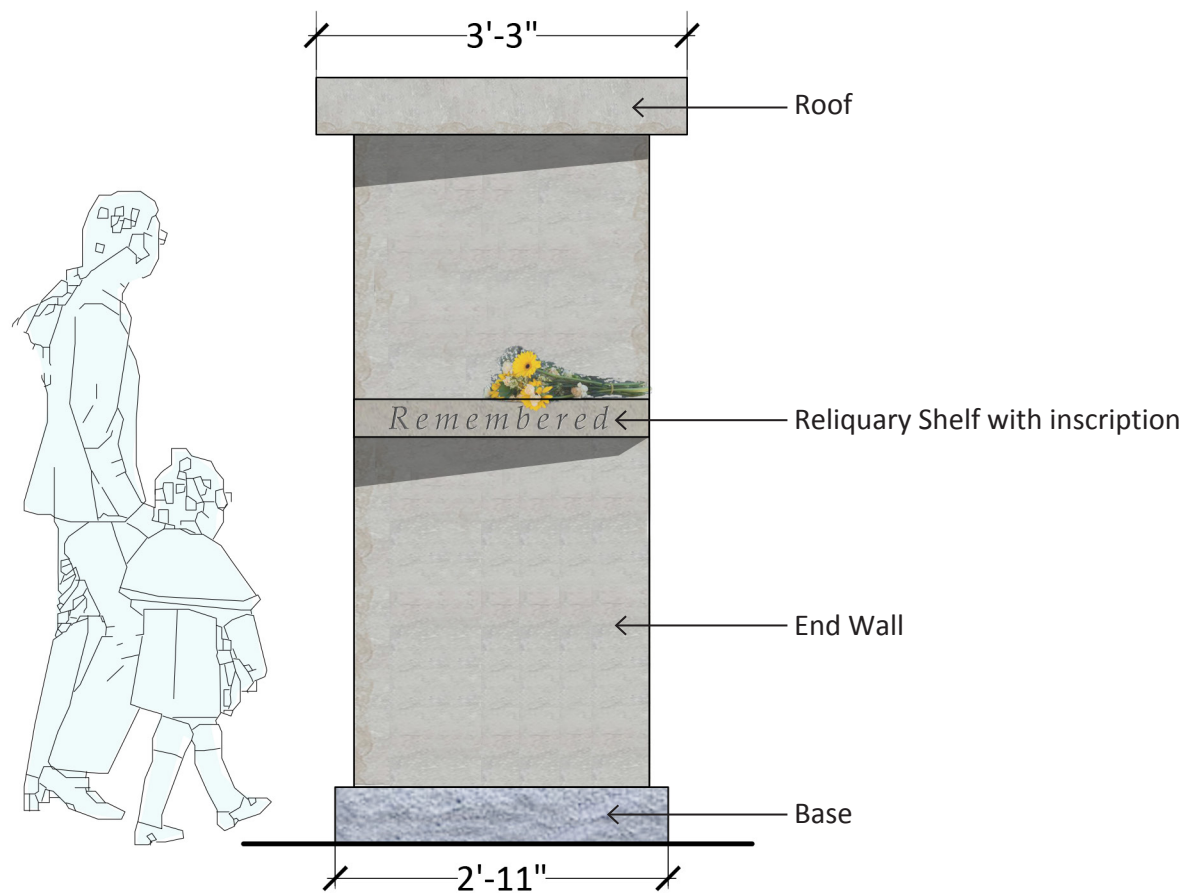
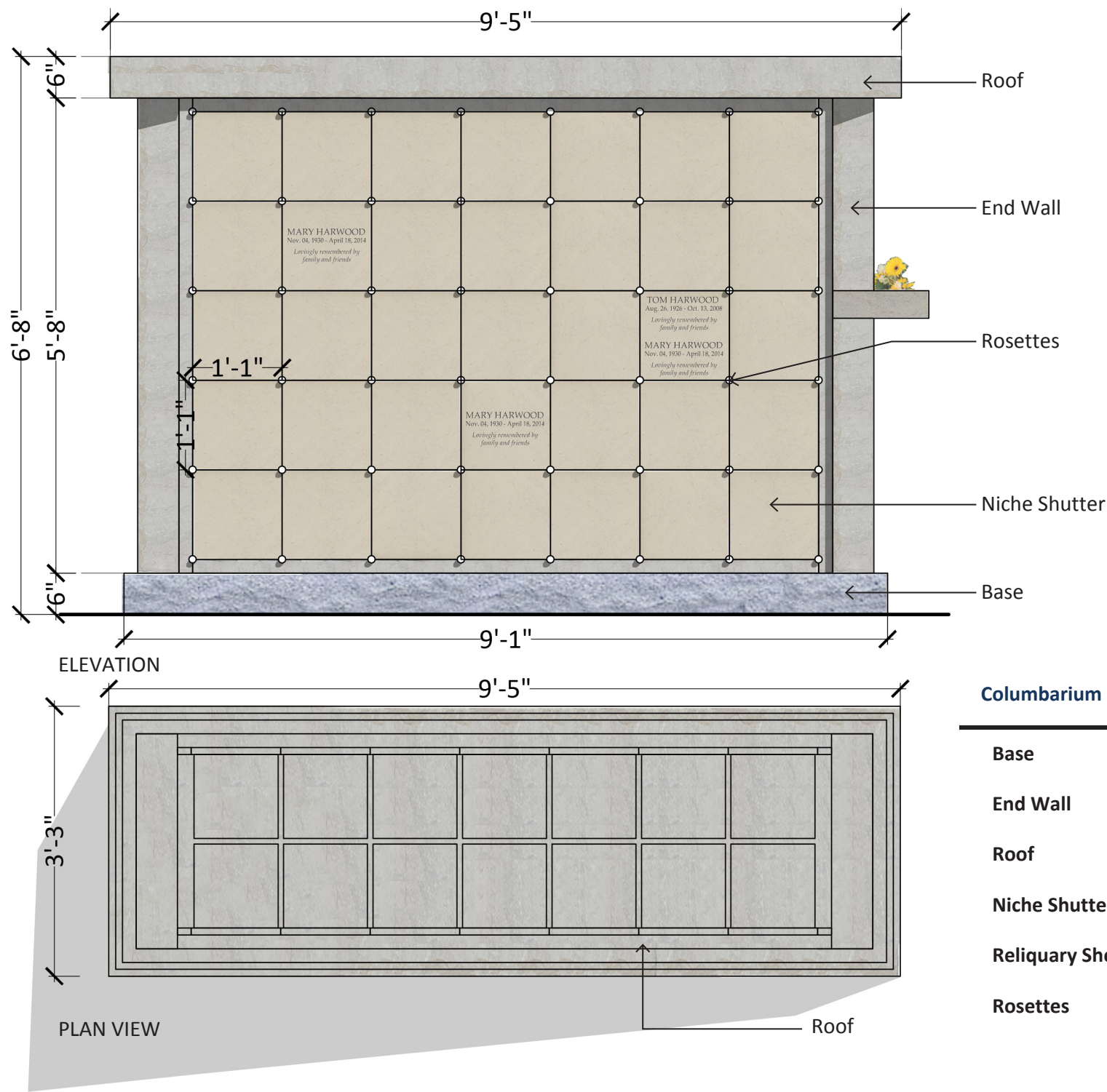


- Legend
- Community Columbaria
 - Veteran's Columbaria Wall
 - Family Cremation Vessel
 - Scattering Garden
 - Memorialization on existing Mausoleum building wall

Cremation Type	Total Niches/Urns
Community Columbaria	280 Niches
Veteran's Columbarium Wall	378 Niches
Scattering Garden	—
Family Cremation Vessel	32-40 Urns



COMMUNITY COLUMBARIUM UNIT - DIMENSIONS & MATERIALS



Columbarium Unit Item	Material	Finish
Base	Granite	Rock pitch
End Wall	Limestone	Honed
Roof	Limestone	Honed
Niche Shutter	Buff Limestone	Honed
Reliquary Shelf	Limestone	Honed
Rosettes	Steel	Brushed

COMMUNITY COLUMBARIUM UNIT

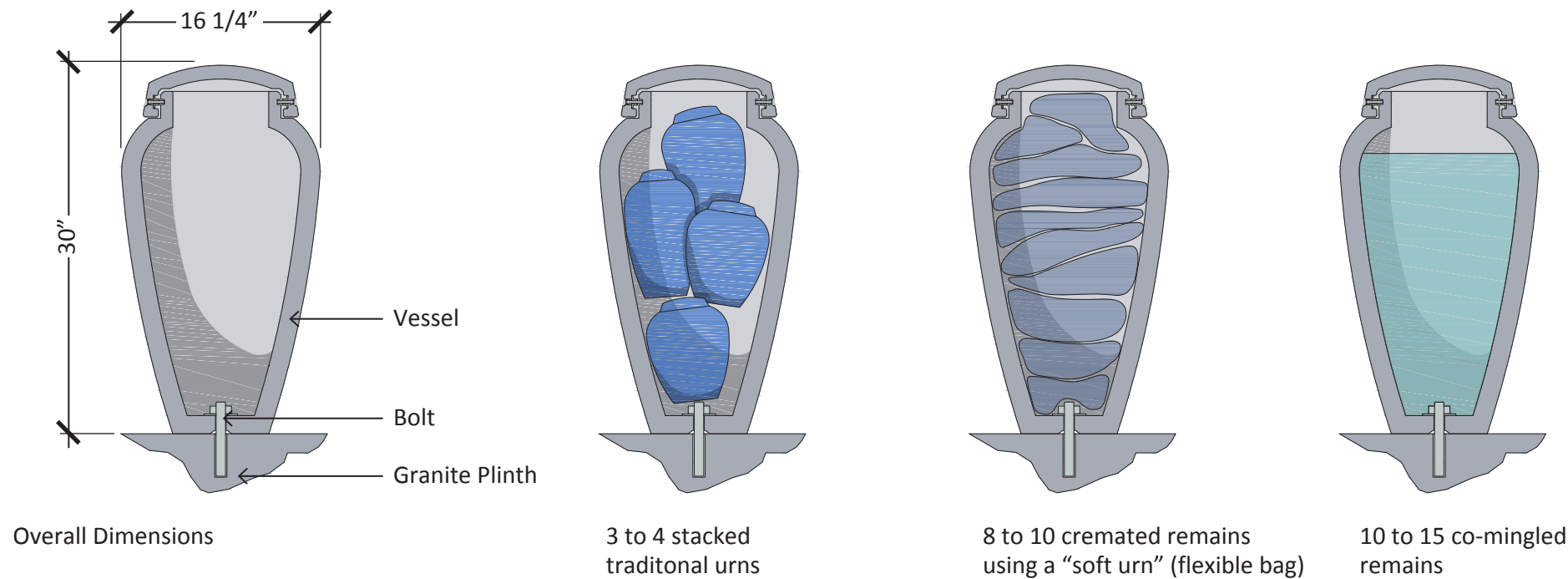
- Double sided
- Each niche can hold up to two urns
- 5 niches high by 7 niches long
- 70 niches total
- Niches to have sandblasted inscriptions



FAMILY CREMATION VESSEL



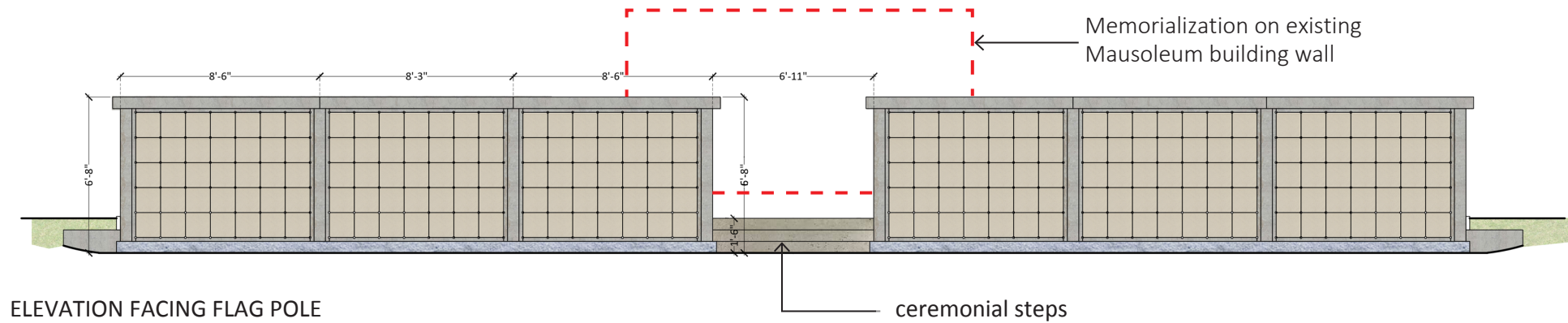
FAMILY CREMATION VESSEL PRECEDENT IMAGES



FAMILY CREMATION VESSEL INURNMENT OPTIONS

- **What is a Family Vessel made of?**
The lid and body are elegantly sculpted from a variety of granite with a range of finishes. Formed from a solid piece of stone, the vessel will endure harsh external environments from arctic winters in the north to dry and arid conditions.
- **What are the outside dimensions?**
The overall height including lid is 30" (767mm).
The widest diameter is 16 1/4" (413mm).
- **How many cremated remains can a Family Vessel contain?**
There are three options:
 1. Depending on the size of a traditional urn, there is room for 3 to 4 stacked urns.
 2. Using a "soft urn", which is a flexible bag, there is room for 8 to 10 cremated remains.
 3. A Family Vessel can also be used to hold co-mingled cremated remains, there is room for 10 to 15 cremated remains.
- **How is the lid secured?**
Fixings are kept to a minimum, tamper proof lid securing screws are made from the highest grade of stainless steel.
- **What does the Family Vessel sit on?**
To provide a rock solid foundation, custom plinths are available.
- **How can a Family Vessel be memorialized?**
Plinths are designed to provide space for inscriptions, sandblasted into stone or fixing plaques.

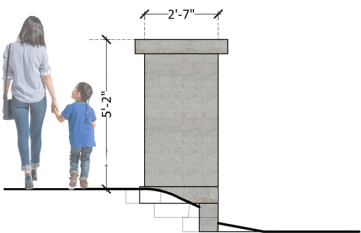
VETERAN'S COLUMBARIUM WALL - DIMENSIONS & MATERIALS



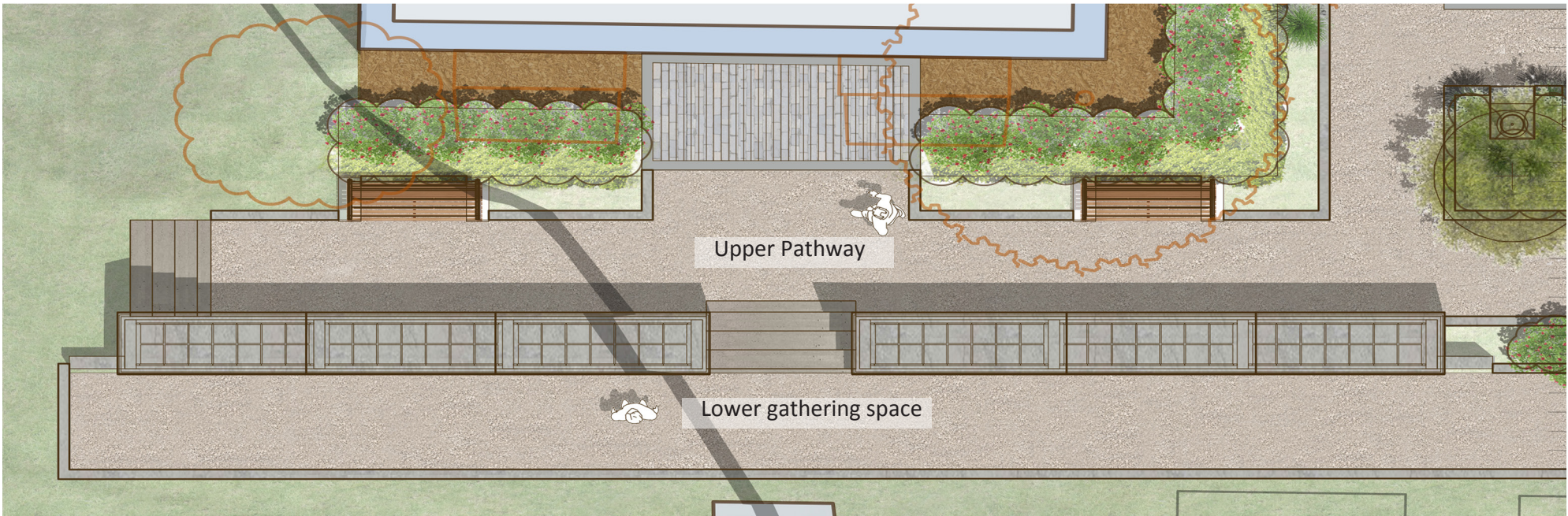
ELEVATION FACING FLAG POLE



ELEVATION FACING MAUSOLEUM BUILDING



SIDE ELEVATION



PLAN VIEW

VETERAN'S COLUMBARIUM WALL

- Double sided
- Each niche can hold up to two urns
- Three sections on each side of ceremonial steps
- Niches in section on elevation facing flag pole are 7 long by 5 high
- Niches in section on elevation facing Mausoleum Building are 7 long by 4 high
- 378 niches total
- Niches to have sandblasted inscriptions



INDICATIVE PLANTING PALETTE



TREES



SHRUBS



PERENNIALS



GRASSES

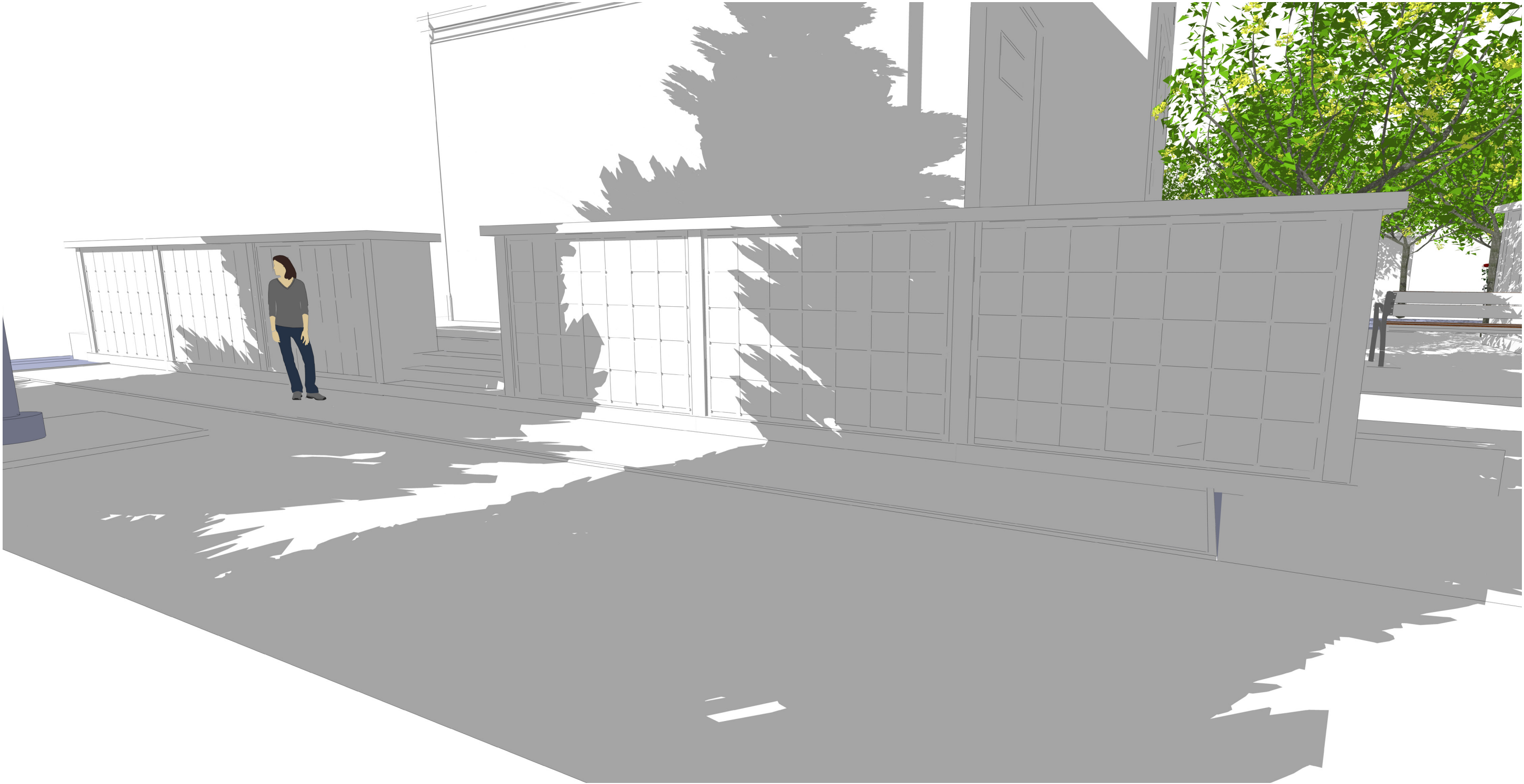
- Plant palette chosen for four season appeal
- Thrive in hardiness Zone 7b
- Winter temperatures can dip to 0 degrees F
- Colourful evergreen foliage
- Colourful and textured bark
- Low maintenance species
- Drought tolerant

COMMUNITY COLUMBARIUM UNIT - SKETCH PERSPECTIVE



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VETERAN'S COLUMBARIUM WALL - SKETCH PERSPECTIVE



CITY OF LEWISTON, IDAHO

PERSONNEL POLICY

Prepared by the Human Resources Department



Image Credit: Neal Drury

Effective Date:

May 22, 2023

RESOLUTION 2023-26

A RESOLUTION APPROVING A REVISED CITY OF LEWISTON PERSONNEL POLICY

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

SECTION 1: The revised City of Lewiston Personnel Policy is hereby approved. A copy of said Personnel Policy is attached hereto as Exhibit A and incorporated herein. Such Personnel Policy supersedes the City of Lewiston Personnel Policy approved through Resolution 2023-7 in its entirety.

SECTION 2: The revised Personnel Policy shall be placed on the City's website.

SECTION 3: This resolution shall become effective upon its passage.

PASSED this 22nd day of May 2023.

CITY OF LEWISTON

By: _____

Daniel G. Johnson, Mayor



ATTEST:

Kari J. Ravencroft
Kari J. Ravencroft, City Clerk

City of Lewiston, Idaho

PERSONNEL POLICY

Effective May 22, 2023

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CITY OF LEWISTON PERSONNEL POLICY

This Policy sets forth the personnel policies and procedures of the City of Lewiston. This Policy is designed to familiarize City employees with such policies and procedures and to provide fair and equal treatment of City employees.

The official, up-to-date Personnel Policy is available on the City of Lewiston website at www.cityoflewiston.org. Questions about the Personnel Policy should be directed to the Human Resources Department.

All City employees are responsible for reading, understanding, and complying with the policies and procedures set forth in this Policy. Directors and supervisors, in particular, are expected to be familiar with the contents of this Policy in order to be able to answer questions and apply the appropriate policies and procedures as personnel issues arise.

The City reserves the right to modify the policies and procedures set forth in this Policy at any time, without prior notice to or consent from City employees. Employees are responsible for knowing about and understanding those changes once they have been disseminated. The City also reserves the right to interpret the provisions of this Policy. Changes may be made at the sole discretion of the City Council.

Employees should not interpret anything in this Policy as creating a contract or guarantee of continued employment. Employees of the City may only be terminated for cause, except as provided in Section 409 (Introductory Probationary Period) of this Policy. This Policy is not a contract of employment and is not intended to specify the duration of employment or limit the reasons for which an employee may be discharged. All provisions of this Policy shall be interpreted in a manner consistent with this paragraph. In addition, this Policy is not intended to cover all possible situations that may arise in an employee's relationship with the City.

Many matters covered by this Policy, such as benefit plan descriptions, are also described in separate City documents. Such documents are always controlling over any statement made in this Policy or by any member of management.

The City is a political subdivision of the State of Idaho, though it is not a part of the State government. The City Council serves as the governing body of the City and is the general policymaker for the City. The Mayor has the primary authority to establish terms and conditions of employment with the City. Pursuant to Idaho Code § 50-204 and subject to Idaho Code § 50-205 (Refusal to Confirm Appointments – Vacancies) and § 50-206 (Removal of Appointive Officers), as amended from time-to-time, the Mayor appoints and removes the City Clerk, City Treasurer, City Attorney, and such other officers designated by City ordinance. The Mayor has superintending control of all other City employees, unless otherwise provided by State or local law (such as the Library Director) or City policy. Pursuant to Idaho Code §§ 33-2607 and 33-2608, the Library Board of Trustees hires, supervises, and removes the Library Director; provided, however, prior to removing the Library Director, the Library Board of Trustees must confer with the Mayor, City Attorney, and Human Resources Director.

Each employee should recognize that although he/she may be directly supervised by a Director or supervisor, he/she remains an employee of the City and not of the person who supervises his/her work. The terms and conditions set forth in this Policy cannot be superseded by the Mayor, a Director, or a supervisor without the express written authorization of the City Council. Employees may, however, work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department. This Policy is the property of the City, and it is intended for the personal use and reference by employees of the City.

Policy Revisions

The City reserves the right to make changes to this Policy and to any employment policy, practice, work rule, or benefit, at any time without prior notice. Any other change to this Policy or any employment policy, practice, work rule, or benefit is effective only if it is in writing, and is signed or authorized by the City Council. Except as otherwise provided in this Policy, no one has the authority to make any promise or commitment contrary to what is in this Policy.

This Policy replaces all earlier Policies and supersedes all prior inconsistent policies, practices, and procedures.

CHAPTER 1 - GENERAL

SECTION 101 SCOPE OF APPLICATION

It is in the best interest of the City of Lewiston, its citizens, and its employees that there be rules and regulations adopted by the City Council that promote full communication between the City, as the employer, and its employees. This policy is intended to provide policies promoting fairness and consistency in the treatment of employees and to articulate rules and standards intended to guide and measure performance. These policy statements are not intended to be an exclusive source of rules and regulations concerning employment. The Mayor and Department Directors are entitled to establish work standards and procedures necessary to implement these policies or to efficiently carry out the functions of their departments and general City operations, provided such standards do not diminish the benefits or protections granted to employees by City policy.

This policy shall apply to all offices, positions and employees in the service of the City except:

1. Elective offices.
2. Positions on appointive boards, commissions and committees.
3. Independent Contractors

However, in the event of any conflict between this policy and a collective bargaining agreement or an employment contract, the collective bargaining agreement or employment contract shall control.

SECTION 102 EQUAL EMPLOYMENT OPPORTUNITY

It is The City's policy to provide equal employment opportunity for all applicants and employees. The City does not unlawfully discriminate on the basis of actual or perceived race, color, religion, religious creed (including religious dress and religious grooming practices), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity, status and transitioning), gender expression and sex stereotyping, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by local, state, or federal laws. Consistent with the law, The City also makes reasonable accommodations for disabled applicants and employees; for pregnant employees who request an accommodation with the advice of their health care providers, for pregnancy, childbirth, or related medical conditions; for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

The City will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on The City's operations. If employees wish to request such an accommodation, they should contact the Human Resources Department.

The City prohibits sexual harassment and the harassment of any individual on any of the other bases listed above. For information about the types of conduct that constitute impermissible harassment and The City's internal procedures for addressing complaints of harassment, and the legal remedies available through and complaint procedures of the appropriate state and federal agencies and directions on how to contact these agencies, please refer to The City's Policy Against Harassment, Discrimination, and Retaliation. .

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with the Human Resources Department.

SECTION 103 OPEN COMMUNICATION AND NON-DISCRIMINATION

At the City of Lewiston, we believe that communication is at the heart of good employee relations. Employees should share their concerns, seek information, provide input, and resolve work-related issues by discussing them with their supervisor until they are fully resolved. It may not be possible to achieve the result an employee wants, but the supervisor needs to attempt to explain in each case why a certain course of action is preferred. If an issue cannot be resolved at this level, the employee should discuss the issue with the Division Manager then, if needed, with the Department Director. If the employee's concern cannot be resolved with the supervisor, manager, or Department Director, then the employee may discuss such concern with the Human Resources Director. If the employee's concerns cannot be resolved or the issue relates to something or someone related to Human Resources, the employee may discuss such concerns with the Mayor.

Regardless of the situation, the employee should be able to openly discuss any work-related concerns without fear of retaliation. Directors, Managers, and Supervisors are expected to listen to employee concerns, encourage employees' input, and seek resolution to employees' concerns. Often this will require setting a meeting in the near future. Directors, managers, and/or supervisors are to set these meetings as quickly as possible, and employees are expected to understand that issues and concerns may not always be addressed at the moment they arise. Discussing these issues and concerns with management will help to find a mutually acceptable solution for nearly every situation.

If an employee has a concern about discrimination and/or harassment, the employee should follow the procedures set forth in the City's non-discrimination policy (section 203), below. The City is committed to the following:

1. Recruiting, hiring, training, and promoting persons in all job titles, without regard to actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity/expression, or veteran's status, unless based on a bona fide occupational qualification.
2. Making employment decisions in a manner that furthers the principle of equal employment opportunity.
3. As opportunities for transfer, advancement, or promotion occur, including promotions into and within management, conducting periodic performance reviews and analysis of personnel records to ensure that all employees continue to receive equal considerations and that only valid requirements are imposed for these opportunities.

Any employee or applicant who believes that he/she has not been afforded treatment conforming to the policy of equal employment should contact the Human Resources Director.

SECTION 104 POWERS OF MAYOR

The Mayor is the chief administrative official of the City and has all powers as set forth in Idaho Code Title 50, Chapter 6, as amended from time-to-time. The Mayor may establish administrative rules, policies, and procedures as he/she deems necessary for the control and supervision of the affairs of the City, so long as such administrative rules, policies, and procedures are not in conflict with this Policy.

The Mayor has the authority to hire and terminate the employment of all City employees, unless otherwise provided by State or local law or City policy. The Mayor may delegate the authority to hire City employees to Department Directors.

The Mayor is authorized to issue additional administrative policies to supplement this Policy. Administrative policies are created when the City has identified a need to expand in explanation and/or procedure. They are in effect until either repealed or amended. Administrative Policies can be found on the City website and in the Human Resources Department. All new Administrative Policies are emailed to City employees and City Councilors through City emails when such policies become effective.

SECTION 105 COMPLIANCE WITH THIS POLICY

In accepting employment with the City of Lewiston, each employee agrees to be governed by and to comply with: (a) this Policy and all administrative rules, policies, and procedures established by the Mayor pursuant thereto; (b) any applicable collective bargaining agreement; and (c) all rules, regulations, and directives of the department in which the employee is works. While performing their duties on behalf of the City, volunteers are expected to adhere to the same rules of conduct as City employees, as outlined in this Policy.

SECTION 106 DEPARTMENT RULES AND REGULATIONS

Department Directors may create rules and regulations that are more specific to their department's operation. Department rules and regulations should not conflict with this Policy or Administrative Policies.

SECTION 107 APPLICANTS AND EMPLOYEES WITH DISABILITIES

The City is committed to providing equal employment opportunities for all qualified individuals with disabilities in accordance with the federal Americans with Disabilities Act and applicable State disability laws. In accordance with these laws, The City strictly forbids all forms of unlawful discrimination, harassment, or retaliation against qualified applicants or employees with disabilities, and for pregnant employees who so request for pregnancy, childbirth, or related medical conditions, and requires reasonable accommodation if necessary for such individuals to perform the essential functions of their jobs safely and efficiently without undue hardship to The City and without serious risk to the health and safety of others.

Applicants and employees who require accommodation of any disability should inform The City of their needs. The City may have no way of knowing whether an individual requires an accommodation unless they bring it to the attention of The City. The City will engage in an interactive conversation to determine if there is a reasonable accommodation that can be provided that will not cause The City undue hardship and will treat all such information as confidential to protect privacy rights under laws such as HIPAA, but some disclosure will be necessary to fulfill the purposes of this policy.

Employees who are made aware that an applicant or employee has a disability should presume that the information is confidential and discuss it only with upper management and Human Resources, unless the employee has disclosed or consented to further disclosure.

Discrimination, harassment, or retaliation against an individual because they are considered disabled or has been given accommodation for a disability is absolutely forbidden and grounds for immediate termination. Employees who believe they have been harassed in violation of this policy may file a complaint under The City's policy on Equal Employment Opportunity.

CHAPTER 2 – CODE OF CONDUCT

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. City employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well.

SECTION 201 CONDUCT

EXPECTED CONDUCT

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the department for which the employee works. In the absence of any departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
7. Follow all workplace safety rules whether established formally by the department or by outside agencies.
8. Report all accidents that occur or are observed on the job, or that involve City property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
10. Adhere to any code of ethics in the employee's profession, to the extent that such code of ethics does not conflict with the City's policies or regulations. If an employee believes a department rule or

directive of a supervisor violates any code of ethics of the employee's profession, the employee may initiate the grievance process as outlined in the Grievance Procedure section of this policy.

PROHIBITED CONDUCT

Employees are required to refrain from behaviors that reflect adversely upon or harm the City, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.
3. Not engage in conduct at or away from work that may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
4. Not engage in prolonged visiting with co-workers, children, friends or family members that interfere with work in the department in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
7. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Not have non-City employment, or serve on any board or commission, that conflicts with duties performed for the City in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
9. Not knowingly make any false report or complaint regarding behavior of others or participate in such report or complaint.
10. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
11. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §§ 18-3201 and 18-3202).
12. Not engage in political activities while on duty. This rule does not apply to Elected Officials.
13. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
14. Not engage in conduct that violates the laws of the state of Idaho, including, but not limited to: I.C. 18-1301 *et seq.* (Bribery and Corruption), I.C. § 74-101 *et seq.* (Public Records Act), I.C. § 74-401 *et seq.* (Ethics in Government Act), I.C. § 74-501 *et seq.* (Prohibitions Against Contracts With Officers), and I.C. § 18-1359 (Using Public Position for Personal Gain).
15. Employees should be careful to avoid the appearance of impropriety, even if accepting a gift is legal under the acts cited above. Thus, employees should not accept a gift that, although may be legal, could create the appearance of impropriety or the impression that the giver was seeking favor. The Ethics in Government Act establishes a floor for conduct by public officials. It should not be read, interpreted, or analyzed in an attempt to find loopholes or technicalities by which an employee can take advantage of the City or their position. Even if contemplated conduct is not technically prohibited by the Act, an employee's conduct may still be considered unethical, and an employee should avoid the appearance of impropriety.
16. Not engage in criminal conduct of any kind while on or off duty.

17. Not mishandle, improperly care or account for, or use city monies. Including the collection, receipting, depositing or recording of fees.

Obviously, not every type of misconduct can be listed. The City reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this Policy should be construed as a promise of specific treatment in a given situation. However, The City will endeavor to utilize progressive discipline. The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

JOB PERFORMANCE

Employees may be disciplined for poor job performance, including but not limited to the following:

1. Unsatisfactory work quality or quantity;
2. Excessive absenteeism, tardiness, or abuse of rest break and meal period policies;
3. Failure to follow instructions or City procedures; or
4. Failure to follow established safety regulations.

ATTENDANCE

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

1. Reporting to work on time, observing rest break and meal period policies, recording all time worked, and obtaining approval to leave work early; and
2. Notifying the supervisor in advance of anticipated tardiness or absence.

SECTION 202 WORKPLACE VIOLENCE

STATEMENT OF POLICY

The City recognizes that workplace violence is a concern among employers and employees across the country. The City is committed to providing a safe, violence-free workplace. In this regard, The City strictly prohibits employees, consultants, customers, visitors, or anyone else on City premises or engaging in a City-related activity from behaving in a violent or threatening manner. Moreover, The City seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

The City believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures within Human Resources for responding to any situation that presents the possibility of violence.

WORKPLACE VIOLENCE DEFINED

Workplace violence includes, but is not limited to, the following:

- 1) Threats of any kind;
- 2) Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
- 3) Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of City property, or a demonstrated pattern of refusal to follow City policies and procedures;
- 4) Defacing City property or causing physical damage to the facilities.

REPORTING

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, they should notify Human Resources immediately.

Further, employees should notify Human Resources and their supervisor if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace. No adverse employment action will be taken against an employee because they notify The City of a potentially violent non-work situation.

INVESTIGATION

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, The City will inform the reporting individual of the results of the investigation. To the extent possible, The City will maintain the confidentiality of the reporting employee and of the investigation. The City may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.

CORRECTIVE ACTION AND DISCIPLINE

If The City determines that workplace violence in violation of this policy has occurred, The City will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, The City will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, The City may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, The City may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

EMPLOYEE ASSISTANCE PROGRAM

Any employee who believes that they may have a problem that could lead to violent behavior is encouraged to use The City's Employee Assistance Program. The EAP is a professional, confidential counseling service that is available to all personnel and members of their household to assist in resolving emotional difficulties, marital and family conflict, stress, chemical dependency, conflicts at work, and other concerns. The EAP counselor can help to clarify a problem and to develop an action plan during the counseling session. EAP services are prepaid by The City. Further information regarding The City's Employee Assistance Program may be obtained from your supervisor or from Human Resources.

SECTION 203 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

PURPOSE OF POLICY

The City is committed to providing a workplace free of unlawful harassment and discrimination. This includes sexual harassment (which includes harassment based on pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions) and harassment based on actual or perceived gender, gender identity (including transgender identity, status and transitioning), gender expression and sex stereotyping, as well as harassment based on such factors as race, color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally-protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by federal, state, or local laws. The City strongly disapproves of and will not tolerate harassment of or discrimination against applicants, employees, interns, or volunteers by managers, supervisors, co-workers or third parties with whom

employees come into contact. Similarly, The City will not tolerate harassment by its employees of non-employees with whom The City employees have a business, service, or professional relationship.

HARASSMENT DEFINED

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Harassing conduct can take many forms and may include, but is not limited to, the following: slurs, jokes, insults, statements, gestures, teasing, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, posters, symbols, drawings, or cartoons, violating someone's "personal space" (for example by blocking someone's way) foul or obscene language, leering, stalking, staring, unwanted or offensive letters or poems, offensive email or voicemail messages, or any kind of verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any protected characteristic.

Sexually harassing conduct in particular may include all of these prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. Sexually harassing conduct can be by a person of either the same or opposite sex. Sexually harassing conduct need not be motivated by sexual desire to violate this policy.

REPORTING AND INVESTIGATING HARASSING, DISCRIMINATORY AND RETALIATORY CONDUCT

Employees shall immediately notify their supervisor or Human Resources regarding any known or alleged violations relating or similar to the types of harassment/discrimination prohibitions described in this regulation. When the alleged violations are against a Human Resources employee, reports should be made to the Mayor or City Attorney. When a harassment/discrimination complaint is received, the complainant will be encouraged to place their concerns in writing. Upon notification of a complaint, it will be determined whether an investigation is warranted, and if so the extent of such an investigation.

If it is determined an investigation is warranted, the supervisor or designee shall arrange for an investigation with the assistance of Human Resources. In the case where the complainant's supervisor is the cause of the complaint, the complainant may file a complaint with Human Resources who will arrange for the investigation with the appropriate supervisor or department.

The procedures available under this regulation do not preempt or supersede any legal procedures or remedies otherwise available to a victim of discrimination or harassment under state or federal law. Should a complaint be received by a department directly from a compliance agency, the complaint shall be forwarded to the Human Resources Department immediately. A substantiated charge of harassment or discrimination against an employee of the City shall subject that employee to disciplinary action, up to and including termination. Complaints of discrimination or harassment will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. This means that allegations of harassment will only be shared with those who have a need to know so that the City can conduct an effective investigation. The complainant will be requested to provide as many details as possible, such as date(s), location(s), name(s) of witnesses, and information about the alleged harasser(s).

As a condition of employment all employees, supervisors, and managers shall fully cooperate with investigations. This includes, but is not limited to:

- A. Answering all questions completely and truthfully
- B. Not withholding information or evidence
- C. Not covering up or disposing of evidence

In addition to being obligated to fully cooperate with investigations, employees are prohibited from interfering with investigations in any way. This includes, but is not limited to, contacting (directly or through others) potential witnesses to seek information, influence their statements, or solicit support, and failing to fully disclose all information known about the incident or event.

CORRECTIVE ACTION

The City prohibits conduct severe enough to be unlawful. Yet even more, The City's workplace conduct standards also prohibit conduct and comments which are not severe enough to violate state or local or federal law but which are still inappropriate in the workplace. For example, The City prohibits abusive conduct in the workplace whether or not it is based on a protected category.

As a result, The City will take prompt, appropriate, and effective corrective action (e.g., remedial measures) any time it is established that discrimination, harassment, or retaliation in violation of this policy has occurred whether or not such violation also violates the law.

If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the City. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. With regard to acts of harassment or discrimination by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

The City will not tolerate retaliation against any employee for making a good faith complaint of harassment, discrimination, or retaliation, or for cooperating in an investigation.

CONFIDENTIALITY

All inquiries, complaints, and investigations are treated confidentially to the extent possible. Information is revealed on a need-to-know basis. However, the identities and statements of all the parties involved in an investigation may be revealed as a result of the investigatory or appeal process. Employees who are interviewed as a part of an investigation are encouraged to keep the nature of the investigation confidential including not sharing unauthorized information with others about the investigation or their interview.

ANTI-RETALIATION

The City of Lewiston strictly prohibits any form of retaliation against a person who has reported a concern in good faith, or has provided information in an investigation, hearing or other form of administrative review. Retaliation includes, but is not limited to, adverse employment actions, direct or indirect threats, teasing, taunting, negative or derogatory comments about or to the person, silent treatment, refusal to work with or avoiding the person. Retaliation also includes informing others about the complaint, portraying the claimant and/or witnesses in a negative light, or soliciting support for one side versus the other. All incidents of retaliation shall be reported to Human Resources immediately. All employees, including supervisors and managers, who engage in retaliation or discriminating/harassing conduct are subject to disciplinary action, including possible termination of employment.

ANTI-HARASSMENT TRAINING

Every City employee is required to undergo Sexual Harassment training within his/her first three (3) months of employment and at least once every two (2) years thereafter. In addition, all employees hired as or promoted to a supervisory or management position must undergo at least two (2) hours of interactive sexual harassment training within the first six (6) months of assuming a new supervisory or management position. Additionally, all supervisors and managers must complete at least two (2) hours of interactive sexual harassment training at least once every two (2) years thereafter. An employee who fails to comply with this section may be subject to disciplinary action, up to and including termination of employment.

ZERO TOLERANCE

The City does not tolerate and prohibits discrimination, harassment or retaliation of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of race, color, creed, religion, age, sex or gender (including pregnancy, childbirth and related medical conditions), sexual orientation, gender identity or gender expression (including transgender status), national origin, ancestry, marital status, protected medical condition as defined by state law (cancer or genetic characteristics), physical or mental disability, military and veteran status, genetic information, or any other characteristic protected by applicable federal, state or local laws and ordinances. The City is committed to a workplace free of discrimination, harassment and retaliation.

The City's management is dedicated to ensuring the fulfillment of this policy as it applies to all terms and conditions of employment, including recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

SECTION 204 ATTENDANCE AND PUNCTUALITY

It is important for employees to report to work on time and to avoid unnecessary absences. The City recognizes that illness or other circumstances beyond an employee's control may cause him/her to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on co-workers and can have a negative impact on the success of the City.

Employees are expected to report to work when scheduled. Employees unable to report to work at their scheduled time must call in per their department policies or collective labor agreement. Whenever an employee knows in advance that he/she is going to be absent, the employee should notify his/her immediate supervisor or the designated manager. If the absence is unexpected, the employee should attempt to reach his/her immediate supervisor as soon as possible, but in no event later than one hour before the employee is due at work. In the event the immediate supervisor is unavailable, the employee must speak with the Department Director or his/her designated representative. If the employee must leave a voicemail, he/she must provide a phone number where the employee may be reached if need be.

SECTION 205 DRUG FREE WORKPLACE

The purpose of this policy is to provide a drug and alcohol free workplace for the protection and well-being of the City, its employees, property, equipment, operations, and the public it serves. Employees are expected to report to work drug and alcohol free in order to enable safe and efficient job performance. Employees are expected to engage in activities while on-the-job, while on City premises, or in the scope and course of employment, which are appropriate for the work environment and do not compromise the City's integrity or interest in maintaining a safe, secure and drug and alcohol free workplace.

Employees being treated with a drug or controlled substance that might adversely affect their ability to perform their essential job duties shall provide a written statement from their doctor regarding their ability to

safely and effectively perform these duties. Employees are not required to divulge what drug or controlled substance they are being treated with or the medical condition necessitating the need for treatment, unless the City requests this information in accordance with applicable laws.

SUBSTANCES TESTED

The City will test for the following substances:

- A. Alcohol;
- B. Marijuana;
- C. Cocaine;
- D. Amphetamines;
- E. Opioids;
- F. Synthetic Opioids; and
- G. Phencyclidine (PCP).

ALCOHOL USE

Employees are prohibited from consuming alcohol while working or while on-call. Employees are also prohibited from reporting to work under the influence of alcohol. This policy includes unanticipated call-in situations. If an employee cannot meet this requirement, it is his or her responsibility to tell their supervisor, or person initiating the call-in, that they cannot report to work. Alcohol is a legal substance therefore it is not the intention of this policy to prohibit employees from consuming alcohol when not on duty, or while participating in activities or events at City facilities while not on duty. Listed below are examples of situations in which the responsible use of alcohol by employees during the course and scope of City business may be acceptable. However, employees are expected to seek prior direction from their Department Director regarding the appropriateness of consuming alcohol in these situations.

- A. While attending a seminar or conference function where alcohol is being served.
- B. While traveling on business, provided all work duties for the day have been completed.

Although alcohol use may be permitted under limited circumstances, employees are expected to use good judgment and behave in a professional and respectable manner while in the course and scope of City business. Misuse of alcohol under these circumstances is a violation of this policy and may result in disciplinary action up to and including termination. Employees are required to abide by all terms of the vehicle usage policy.

RESERVATIONS

This Drug-Free Workplace policy is not intended to replace or supersede testing, reporting, and procedures mandated by applicable laws. Employees who are enrolled and are participating in, or have completed a supervised rehabilitation program and are no longer engaging in the use of illegal drugs or substances shall be protected from discrimination and harassment through the Americans with Disabilities Act of 1990. All situations will be handled in accordance with this policy and in consultation with representatives of Human Resources. Situations not specified by policy will be referred to and reviewed by Human Resources in consultation with the employee's Department Director or designee.

SAFE HARBOR REFERRAL

A fundamental purpose of the City's Drug-Free Workplace Policy is to assist employees who themselves are seeking treatment for alcohol or illegal drug use. For this reason, the City will not initiate disciplinary action against any employee regarding the disclosure of his or her drug or alcohol related problem who meets all three of the following conditions:

- A. Voluntarily identifies him/herself to Human Resources as a user of alcohol and/or illegal drugs, as they apply to this policy, prior to being identified through other means, or prior to being asked to provide a urine and/or breath sample for testing;
- B. Obtains evaluation, counseling or rehabilitation from an approved facility; and

- C. Thereafter refrains from using illegal drugs or misusing prescription drugs and/or alcohol.

This provision is not intended to allow an employee to evade disciplinary action. The key to this provision's rehabilitative effectiveness is an employee's willingness to admit their problem. This provision is not available to an employee who requests protection under this provision after:

- A. Being identified through other means; or
- B. Being asked to provide a urine sample for testing; or
- C. Having had a verified positive test result for alcohol and/or illegal drugs pursuant to this policy.

Drug or alcohol related incidents that are subject to discipline and occurred prior to seeking Safe Harbor are not covered by Safe Harbor protections. An employee who requests Safe Harbor will be required to sign an agreement outlining his or her obligations under Safe Harbor.

NEW EMPLOYEE NOTIFICATION

Applicants for safety sensitive positions will be informed about the City's drug testing program on the vacancy announcement for each applicable position. During the screening process applicants will be notified of the testing requirements for particular positions and that appointment to the position is contingent upon a negative post-offer drug test. Upon hiring, new employees will receive an electronic or printed copy of the Personnel Policy.

SAFETY SENSITIVE POSITIONS

For purposes of this policy, a safety sensitive position will be defined as a position in which the duties performed as a regular part of the job could reasonably expect to affect health, safety, and security of employees and citizens. Safety sensitive positions are those in which the responsibilities of the position require employees to:

- A. Qualify and maintain qualification standards to carry firearms,
- B. Perform emergency medical, lifesaving, and/or fire suppression activities;
- C. Supervise employees during the performance of critical incident functions which require employees to qualify to carry firearms, perform emergency medical, lifesaving and/or fire suppression activities;
- D. Operate, maintain or inspect emergency vehicles, heavy equipment, or vehicles having a gross combination weight rating of 26,001 or more pounds and/or lifesaving equipment used for emergency services;
- E. Obtain a national security clearance as a condition of employment;
- F. Exercise custodial responsibility for illegal drugs or precursors;
- G. When the responsibilities of the position require the person to work with minors or individuals with disabilities;
- H. Handle hazardous materials that if mishandled, place the general public at risk of serious injury; or
- I. Other positions deemed safety sensitive by the City of Lewiston.

These positions are characterized by critical safety or security responsibilities. The job functions associated with these positions directly and immediately relate to public health and safety, the protection of life, and law enforcement.

TYPES OF TESTING

Post-Offer Applicant Testing – Safety-Sensitive Positions

Persons applying for safety sensitive positions who are given a conditional offer of employment will be subject to testing for illegal drugs. Vacancy announcements for safety sensitive positions shall contain a statement informing all applicants that the successful candidate will be given a conditional offer of employment for the position and will be required to submit to screening for illegal drug use prior to hire. Failure of the vacancy announcement to contain this statement notice will not preclude applicant testing if advance written notice is provided to applicants in some other manner. In addition, each applicant will be

notified that appointment to the safety sensitive position will be contingent upon a negative drug test result. Individuals must submit to drug testing at a City approved facility within 24 hours of being sent for testing or as directed by Human Resources. No applicant shall begin work until Human Resources notifies the supervisor that the individual is cleared for work.

Applicants shall be deemed ineligible for employment if they:

1. Fail to report for a test in a timely manner;
2. Refuse to take a test;
3. Tamper with a test specimen;
4. Receive a positive test result; or
5. Fail to provide adequate specimen volume without a verified medical explanation.

Applicants who are deemed ineligible for employment under any of these circumstances may be disqualified for future City employment. The applicant shall be informed of a positive screening result by the medical tester or a Medical Review Officer. Because of the contingent nature of the offer, a positive screening result or other ineligibility will automatically revoke the offer of employment. Safety-sensitive employees, including Temporary employees, returning to work for the City within 90 days of active paid employment with the City are not required to undergo a post-offer applicant drug test.

Reasonable Suspicion Testing

Both safety sensitive and non-safety sensitive employees will be tested for alcohol and/or illegal drugs when there is reasonable suspicion of on-duty use or impairment. Reasonable suspicion testing may be based upon, among other things:

1. observable phenomena, including but not limited to direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol;
2. a pattern of abnormal conduct or erratic behavior;
3. arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
4. information provided by reliable and credible sources or which is independently corroborated; or
5. newly discovered evidence that the employee has tampered with a previous alcohol or drug test.

Although reasonable suspicion testing does not require certainty, mere hunches alone are not sufficient to meet the standard for a test. If an employee is suspected of using alcohol or illegal drugs pursuant to this policy, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion and present them for higher level concurrence. Concurrence may be from a Department Manager, Department Director, or representative from Human Resources. The employee shall not be allowed to operate a vehicle or perform sensitive duties until the circumstances are evaluated and the supervisor receives higher concurrence.

Human Resources is to be notified prior to any Reasonable Suspicion Testing, absent any exigent circumstances. The appropriate supervisor will complete a Reasonable Suspicion Form identifying the signs which formed the basis to warrant the testing and forward the form to Human Resources as soon as practical.

Post-Accident Testing

The City is committed to providing a safe and secure work environment. Employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to themselves or others or the overall operation of the City, may be subject to testing. Based on the circumstances of the accident or unsafe act, the City's Risk Manager, Human Resource representative, Department Director or designee may initiate testing when such circumstances involve:

1. Death; or
2. Serious personal injury requiring immediate emergency room or urgent care center treatment; or

3. Employees are subject to testing when they cause or are involved in an accident that damages a City vehicle, machinery, equipment or property and/or result in an injury to themselves or another individual requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.

An employee subject to post-accident testing shall remain available for such testing, or the City may consider the employee to have refused to submit for testing. An employee subject to post accident testing shall not consume alcohol or drugs, either legal or illegal prior to the testing. Exceptions may be made for prescribed maintenance medications and/or medications administered to treat an injury related to the accident. If a post-accident test is not administered within two (2) hours of the occurrence, the supervisor shall document the reason(s) why it was not promptly administered. If more than eight (8) hours pass, then no alcohol test shall be administered and/or if more than thirty-two (32) hours pass, no drug test shall be administered.

Employees who as a requirement of their position have a Commercial Driver's License, are involved in an on the job accident in which there was a human fatality, bodily injury with immediate medical treatment away from the scene, or disabling damage to any motor vehicle requiring tow away are to undergo a DOT drug and alcohol test. All other accidents who meet the above provisions will provide for a non DOT drug and alcohol test.

Random Testing

Random testing for alcohol and/or illegal drugs will be conducted on employees whose positions are designated as safety sensitive as defined in this policy. Random tests will be unannounced and occur throughout the calendar year. The random selections will be conducted by the designated drug testing contractor using a lottery system and Human Resources will notify the individual's supervisor or designee and provide the name of the individual selected for random testing. The employee shall not be given advance notice of the scheduled testing.

To ensure that all employees in sensitive positions that have been designated for testing have an equal chance of being randomly tested, a scientifically valid random process is used by the testing contractor. The annual number of random tests will be no more than ten percent (10%) of the average number of employee's subject to random testing for alcohol and illegal drugs.

Return to Duty and Follow-up Testing

After a verified positive test result for illegal drugs or alcohol, employees shall have a negative test result before returning to work. All employees referred through administrative channels that undergo counseling or rehabilitation programs for alcohol with a Substance Abuse Professional will be subject to unannounced alcohol testing by the City of Lewiston from the time they return to work for a period of at least one year following completion of such a program. Such testing is distinct from testing which may be imposed as a component of a rehabilitation program. Confirmation of or continuing participation in an alcohol rehabilitation program, as recommended by a Substance Abuse Professional, is required of an employee returning to duty. The employee will provide documentation to Human Resources from a Substance Abuse Professional when an employee has completed a rehabilitation program. After an employee returns to work, a single positive test result for alcohol or illegal drugs or failure to successfully complete the recommended rehabilitation program will be grounds for disciplinary action up to and including termination.

Employees who as a requirement of their position have a Commercial Driver's License will be required to follow the return to duty provisions as provided by the Federal Motor Carrier Safety Administration (FMCSA), except Transit who is required to follow the Federal Transit Authority. Return to duty testing is required for drivers who test positive, refused, or otherwise violated the prohibitions of 49 CFR Part 382 Subpart B; and who have completed the return to duty process with a DOT qualified Substance Abuse Professional. This test is directly observed and a negative result is required before resuming driving duties.

Follow up testing will be required as prescribed by the Substance Abuse Professional for a minimum of six (6) directly observed tests in twelve (12) months, but can be extended an additional four years.

TEST PROCEDURES

The City's alcohol and drug testing program services shall be provided by a designated contractor in accordance with U.S. Department of Health and Human Services (HHS) standards and analyzed by an independent HHS certified lab. The personnel involved in testing and processing results are not employees of the City.

Procedures for Alcohol Testing

An initial test for the presence of alcohol will be conducted using an Evidential Breath Testing Device (EBT) as approved by the National Highway Traffic Safety Administration (NHTSA). If the result of the first screening EBT is an alcohol concentration of .02 or greater, a confirmatory test shall be conducted. The confirmatory test may be conducted on the same EBT as the initial test. Before the confirmatory test is given, the employee will, as instructed by the Breath Alcohol Technician (BAT), wait a minimum of 15 minutes and not eat, drink, belch or put any object or substance into their mouth during that time.

Procedures for Drug Testing

Any individual subject to testing for illegal drugs under this Policy shall be permitted to provide urine specimens in private and in a restroom stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual has or may alter or substitute the specimen when the individual has previously been found by the City to be an illegal drug user; or has previously tampered with a sample; or facts and circumstances suggest that the individual is an illegal drug user; or is under the influence of drugs at the time of the test; or has equipment or implements capable of tampering with or altering urine samples. If the temperature of the specimen is outside the range of 32-38 degrees C / 90-100 degrees F or shows signs of contaminants, then there is reason to believe the individual may have altered or substituted the specimen and another specimen shall be collected for testing under the direct observation of a representative from the collection facility. Samples testing positive for illegal drugs will undergo further testing to identify the specific type of drug(s) in the specimen in accordance with HHS requirements. The cutoff levels used by the City's HHS certified lab may change and will be published in the Code of Federal Regulations and Federal Register. The applicant or employee will be contacted by the Medical Review Officer (MRO) and have the opportunity to provide an explanation of a positive result to the MRO. The MRO may choose to conduct employee medical interviews, review employee medical history, or review any other relevant biomedical factors. The MRO shall review all medical records made available by the tested employee when a verified positive test could have resulted from legally prescribed medication or some other legal substance. Individuals will be afforded the opportunity to submit medical documentation of lawful use of an otherwise illegal drug.

Evidence to justify a positive result may include, but is not limited to:

1. a valid prescription; or
2. a verification from the individual's physician verifying a valid prescription.

If the MRO determines there is no justification for the positive result, such result will then be considered a verified positive test result. The MRO shall refer written determinations regarding all verified positive test results to Human Resources when the MRO is convinced a verified positive result has been determined. Once notified of a verified positive test result for illegal drugs, employees may within 72 hours of notification, at their own expense, request the confirmation specimen be tested by another HHS certified lab. If the MRO certifies that the second drug test is negative, an employee will be reimbursed for the cost incurred including any lost compensation.

Test Refusal

Employees will be considered to have refused testing if they:

1. Refuse to test;
2. Fail to report for a required test at the scheduled time;
3. Engage in conduct that clearly obstructs the testing process;
4. Tamper with the test; or
5. Fail to provide adequate breath or specimen volume without a verified medical explanation.

Employees who refuse to be tested, as described in the test procedures, when so required, shall be subject to the full range of disciplinary consequences up to and including termination. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the test when required.

Deferral of Testing

An employee selected for random drug and alcohol testing may obtain a deferral of testing if Human Resources concurs that a compelling need necessitates a deferral on the grounds that the employee is:

1. In a leave status (sick, annual, compensatory, administrative or leave without pay); or
2. In official travel status away from the test site or about to embark on official travel scheduled prior to testing notification. An employee whose random drug and alcohol test is deferred will be subject to an unannounced test within the following 60 days.

FINDINGS AND ADMINISTRATIVE ACTION

An employee may be found in violation of this policy on the basis of any appropriate evidence including, but not limited to:

1. direct observation of prohibited alcohol use or illegal drug use including misuse of prescription medication;
2. evidence obtained from an arrest or criminal conviction that is related to the workplace, or affects the employee's ability to perform job duties;
3. a verified positive test result;
4. an employee's voluntary admission, unless the employee is meeting the requirements as outlined under the Safe Harbor referral; or
5. test refusal.

Administrative Action

Administrative action is not required for an employee who voluntarily admits to alcohol use or illegal drug use through the Safe Harbor provision of this policy, and obtains counseling or rehabilitation, and thereafter refrains from using illegal drugs and using alcohol in violation of this policy. The Safe Harbor provision is not intended to allow an employee to evade disciplinary action. Any employee receiving a verified positive test for illegal drugs, including misuse of prescription medication, may be terminated.

When an employee is found to be in violation of the alcohol or illegal drug provisions of this policy, mandatory administrative action will result such as referral to a Substance Abuse Professional and disciplinary action, including the full range of consequences, up to and including termination. The City may also initiate action to terminate an employee for refusing to obtain counseling or rehabilitation through a state licensed facility; and/or not refraining from misuse of alcohol/illegal drugs after a first finding of such use.

The severity of the action chosen will depend on the circumstances of each case. The facts and circumstances leading to a reasonable suspicion test will be taken into account in determining disciplinary consequences. Any rehabilitation recommended will be a condition of continued employment and the cost of rehabilitation will be the responsibility of the employee. The employee remains responsible for successful completion of a treatment program, and assertions regarding the effectiveness of a program shall not constitute either an

excuse for continuing to misuse alcohol/illegal drugs or a defense to disciplinary action if the employee does not complete treatment. Any employee receiving a verified positive test for illegal drugs or alcohol shall be placed on leave without pay, unless the employee notifies his/her supervisor of his/her desire to use accrued vacation or accrued compensatory leave.

Effects of Positive Alcohol Testing Results

In addition to the mandatory administrative actions outlined in the previous section, any employee with a breath alcohol test which results in a reading as set out below shall be subject to the following:

1. Employees testing .02 or greater may be subject to discipline up to and including termination.
2. If the results of the test are .02 or greater but less than .04 alcohol concentration the employee shall be removed from the work site and, if retained, may be required to go to a Substance Abuse Professional for assessment, at the employee's expense. The employee may not return to duty for the remainder of the scheduled work day and may be required to have a negative test result before returning to work. The decision to return the employee to duty shall be at the discretion of the Department Director or designee in concurrence with Human Resources.
3. If the results of the test show an alcohol concentration of .04 or greater, the employee shall be subject to the same conditions as set out in above, and in addition, as soon as practicable the employee shall be evaluated by a Substance Abuse Professional, at the employee's expense.
4. Any employee receiving a verified positive test for alcohol .02 or greater shall be placed on leave without pay unless the employee notifies his/her supervisor of his/her desire to use accrued vacation or accrued compensatory leave.

Other Alcohol and/or Drug-Free Workplace Requirements

Any employee who admits to violating a criminal drug statute, or is convicted of violating a criminal alcohol or drug statute that is related to the workplace or affects the employee's ability to perform job duties will be subject to disciplinary action up to and including termination and/or be evaluated by a Substance Abuse Professional. It will be required that the employee complete any recommended rehabilitation program(s) from the Substance Abuse Professional. A conviction, a plea of guilty, a plea of no contest, receiving a suspended imposition of a sentence, and a withheld judgment will all be considered the same as a conviction.

RECORDS AND REPORTS

The employee's privacy shall be maintained. All testing information specifically relating to individuals pursuant to this Policy and any intervention steps, including referral for treatment, counseling or rehabilitation programs, is confidential and should be treated as such by everyone authorized to review or compile program records. In order to efficiently implement this requirement and to make information readily retrievable, Human Resources shall maintain records relating to testing, suspicion of tampering, and any other authorized documentation necessary to implement this policy. All records and information of personnel actions taken on employees with verified positive test results should be forwarded to the Human Resources Department. Such information shall remain confidential, with only authorized individuals who have a need-to-know having access to them. The results of a test for alcohol or illegal drugs of a City employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be:

1. to the Medical Review Officer;
2. to the Substance Abuse Professional in which the employee is receiving counseling or treatment or is otherwise participating;
3. to Human Resources and/or to any supervisory or management official within the City having authority to process or take adverse personnel action against such employee; or
4. pursuant to the order of a court of competent jurisdiction, where required by the City to defend against any challenges of adverse personnel action, or pursuant to applicable law.

Test results with all identifying information removed may be used for data collection and other activities necessary to comply with testing requirements. Employees who are the subject of a test for alcohol or illegal drugs shall have access to the results of their alcohol or drug tests.

ROLES AND RESPONSIBILITIES

Employees: are expected to report to work drug and alcohol free in order to enable safe and efficient job performance. Employees are expected to engage in activities while on-the-job, while on City premises, or while in the scope and course of employment, which are appropriate for the working environment and do not compromise the City's integrity or interest in maintaining a safe, secure and drug-free workplace.

Supervisors/Managers are expected to:

1. attend training sessions on alcohol misuse and illegal drug use in the workplace;
2. when reasonable suspicion is confirmed, initiate an alcohol/drug test as described in this policy;
3. in conjunction with Human Resources, refer employees to a Substance Abuse Professional for assistance in obtaining counseling and rehabilitation upon a finding of alcohol misuse;
5. initiate appropriate disciplinary action upon a finding of alcohol or illegal drug use;
6. in conjunction with Human Resources, assist higher-level supervisors in evaluating employee performance and/or personnel problems that may be related to alcohol misuse or illegal drug use; and
7. ensure confidentiality of all information regarding employee testing, disciplinary action and rehabilitation.

Department Directors shall:

1. implement the Drug-Free Workplace policy within their respective department, and ensure that it is efficiently and effectively accomplished in accordance with this Policy and all other applicable policies;
2. in conjunction with Human Resources assist in determining appropriate action for employee performance and/or personnel problems that may be related to alcohol or illegal drug use;
3. attend training sessions on alcohol and illegal drug-use in the workplace and encourage supervisors and employees to attend training on these issues; and
4. ensure that all information regarding employee testing, disciplinary action and rehabilitation remains confidential.

Human Resources shall:

1. direct and implement this Policy to ensure it is administered consistently among employee groups and in accordance with all of the provisions of this policy;
2. consult with the Department Director or designee in determining appropriate action for situations related to this program; and
3. ensure that all records and information of personnel actions taken on employees with verified positive test results remain confidential and only shared with individuals having a need-to-know.

Collection Company is expected to:

1. provide specimen collection and alcohol testing as outlined in this policy;
2. maintain an accurate record keeping system which includes safeguards against the unauthorized release of information, proper chain of custody documentation, protection of the privacy of the employee and the overall program effectiveness;
3. work with Human Resources to provide educational materials and training to managers, supervisors, and employees on alcohol and illegal drugs in the workplace including training on the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using alcohol or illegal drugs;

4. ensure all collection personnel are appropriately trained and maintain certification standards as required by National Highway Traffic Safety Administration (NHTSA) and/or Substance Abuse and Mental Health Services Administration attend training sessions on alcohol misuse and illegal drug use in the workplace;
5. when reasonable suspicion is confirmed, initiate an alcohol/drug test as described in this policy;
6. in conjunction with Human Resources, refer employees to a Substance Abuse Professional for assistance in obtaining counseling and rehabilitation upon a finding of alcohol misuse;
7. initiate appropriate disciplinary action upon a finding of alcohol or illegal drug use;
8. in conjunction with Human Resources, assist higher-level supervisors in evaluating employee performance and/or personnel problems that may be related to alcohol misuse or illegal drug use;
9. ensure confidentiality of all information;
10. implement the Drug-Free Workplace policy within their respective department, and ensure that it is efficiently and effectively accomplished in accordance with this program and all other applicable policies;
11. in conjunction with Human Resources assist in determining appropriate action for employee performance and/or personnel problems that may be related to alcohol or illegal drug use;
12. attend training sessions on alcohol and illegal drug-use in the workplace and encourage supervisors and employees to attend training on these issues;
13. ensure that all information regarding employee testing, disciplinary action and rehabilitation remains confidential;
14. direct and implement this program to ensure it is administered consistently among employee groups and in accordance with all of the provisions of this policy;
15. consult with the Department Director or designee in determining appropriate action for situations related to this program; and
16. ensure that all records and information of personnel actions taken on employees with verified positive test results remain.

MRO shall:

1. receive all laboratory test results;
2. assure that an individual who has tested positive has been afforded an opportunity to discuss the test result in accordance with test procedures outlined in this Policy;
3. consistent with confidentiality requirements, refer written determinations regarding all verified positive drug test results to Human Resources, including a verified positive drug test result form indicating that the positive result has been verified, together with all relevant documentation; and
4. confirm to Human Resources whether an individual who has been tentatively selected for employment with the City has obtained a verified positive test result.

DEFINITIONS

Administrative Action: For an alcohol violation may include referral to a Substance Abuse Professional and/or disciplinary action including a range of consequences such as written reprimand, suspension, etc. up to and including termination. For a drug violation the employee will be terminated.

Adulterant: Adulterating substance or agent aimed to corrupt, debase, or make impure.

Alcohol: Ethyl alcohol (ethanol) in a beverage or medication.

Breath Alcohol Technician (BAT): An individual employed by the collection facility who is trained and certified in the use of a U. S. Department of Transportation approved evidential breath testing device.

Evidential Breath Testing Device (EBT): An instrument reliable in measuring alcohol concentration in breath that meets the National Highway Traffic Safety Administration specifications, and is included in the conforming products list of evidential breath testing devices.

Medical Review Officer: An independent licensed physician responsible for receiving laboratory results generated pursuant to this Policy who has knowledge of substance abuse disorders and the appropriate

medical training to interpret and evaluate all positive test results together with an individual's medical history and any other biomedical information.

Illegal Drugs: A controlled substance included in Schedule I or II, as defined by section 802 (6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title. The term illegal drugs does not mean the use of a controlled substance in the prescribed dosage amount pursuant to a valid prescription or other uses authorized by law. However, misuse of a controlled substance is considered an illegal drug in violation of this policy.

Precursors: A biochemical substance which can be processed or synthesized into one of the categories of drugs to be tested under this policy.

Random Testing: A system of drug and alcohol testing imposed without individualized suspicion that a particular individual is using illegal drugs or alcohol, and a statistically random sampling of such employees based on a neutral criterion, such as social security numbers.

Return-to-Duty Agreement: An agreement between the City and an employee which allows an employee continued employment under stringent guidelines prohibiting use of drugs and alcohol. An employee's failure to meet the terms of the agreement, which includes successfully passing tests for alcohol and/or illegal drugs, shall result in termination.

Safety Sensitive Position: Employment position within the City which has been designated for pre-employment and random testing in accordance with this policy.

Supervisor: An employee having authority to hire, direct, assign, promote, reward, transfer, layoff, discipline, conduct evaluations, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

Unannounced Test: A test for alcohol and/or illegal drugs previously scheduled and announced only to the employee just prior to the scheduled time, allowing only appropriate time for the employee to immediately proceed directly to the scheduled testing site.

Verified Positive Test Result for Alcohol: The presence of alcohol in the breath at a level of .02 or greater as measured by an evidential breath testing device and administered by a trained and certified Breath Alcohol Technician.

Verified Positive Test Result for Drugs: A test result that was positive on an initial FDA-approved immunoassay test, confirmed by a Gas Chromatography/Mass Spectrometry assay, (or other confirmation tests approved by the U.S. Department of Health and Human Services), and reviewed and verified by the Medical Review Officer in accordance with this policy and the Mandatory Guidelines for Federal Workplace Drug Testing Programs.

SECTION 206 TRANSIT DRUG AND ALCOHOL POLICY

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the Transit Operations Supervisor and Transit Manager office's and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website, <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655. Portions of this policy are not FTA-mandated, but reflect City of Lewiston policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All Safety Sensitive employees are subject to the provisions of the Drug-Free Workplace Act of 1988. All Safety Sensitive employees must abide by the terms of the Drug-Free Workplace Policy (Section 205) as a condition of employment. The unlawful manufacture, distribution, dispensation, possession or use of a

controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify in writing, the Transit Manager or Operations Supervisor no later than five calendar days after such conviction.

In compliance with 49 CFR Part 40 Section 40.25, all applicants for safety sensitive positions within the Transit Department who possess, or have possessed a Commercial Driver's License (CDL) are required to complete a written release of information request so that the City of Lewiston may request Drug and Alcohol testing records from prior employers. Failure to provide a written release of information request from prior employers will result in disqualification of employment consideration within the Transit Department.

COVERED PERSONS

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in 49 CFR 655.4. You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

Covered positions by job title:

- Transit Manager
- Transit Operations Supervisor
- Transit Dispatcher
- Transit Dispatcher/Driver
- Transit Driver

TRAINING

All employees hired for safety sensitive positions must receive a minimum of 60 minutes of training on the effects of drugs & alcohol before performing a safety sensitive function. Supervisory, dispatch, and after-hours on-call personnel must receive 120 minutes of training on reasonable suspicion determinations before performing such a role. Reoccurring training on the effect of drugs & alcohol and reasonable suspicion determinations shall occur on a biannual basis.

PROHIBITED BEHAVIOR

Use of illegal drugs is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug or alcohol in the body at or above the minimum thresholds defined in 49 CFR Part 40. Prohibited substances include:

- Alcohol
- Marijuana
- Cocaine
- Phencyclidine (PCP)
- Opioids
- Amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her

safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance. All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions. All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

CONSEQUENCES OF VIOLATIONS

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration being less than 0.02.

Treatment/discipline

Per Lewiston Transit System policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) and bear the total cost of treatment. Employees may use accrued leave during this time, but will not be eligible for use of the Sick Leave Bank to cover time off during treatment.

CIRCUMSTANCES FOR TESTING

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is canceled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when there is reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Human Resources is to be notified prior to any Reasonable Suspicion Testing, absent any exigent circumstances. The appropriate supervisor will complete a Reasonable Suspicion Form identifying the signs which formed the basis to warrant the testing and forward the form to Human Resources as soon as practical.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the Transit Operations Supervisor or Transit Manager using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident; or
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the Transit Operations Supervisor and/or Transit Manager using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed. Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Random Testing – End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided at least no later than two hours before the end of their shift.

Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug and/or alcohol test result. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

Follow-up Testing

Employees returning to safety-sensitive duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

TESTING PROCEDURES

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, Lewiston Transit System will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Lewiston Transit System guarantees that the split specimen test will be conducted in a timely fashion. The employer will be responsible to pay for any costs associated with re-testing.

TEST REFUSALS

As a covered employee, you have refused to test if you:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Lewiston Transit System.
2. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
3. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
4. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
5. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
6. Fail or decline to take a second test as directed by the collector or Lewiston Transit System for drug testing.
7. Fail to undergo a medical evaluation as required by the MRO or Lewiston Transit System's Designated Employer Representative (DER).
8. Fail to cooperate with any part of the testing process.
9. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
10. Possess or wear a prosthetic or other device used to tamper with the collection process.
11. Admit to the adulteration or substitution of a specimen to the collector or MRO.

12. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
13. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

VOLUNTARY SELF REFERRAL

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Transit Manager or Operations Supervisor, who will refer the individual to a substance abuse counselor for evaluation and treatment. The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance. Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program. For questions about Safety Sensitive anti-drug and alcohol misuse programs, contact the Transit Manager or Transit Operations Supervisor.

SECTION 207 INSPECTIONS AND SEARCHES ON CITY PREMISES

The City believes that maintaining a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of The City's business. The City also intends to protect against the unauthorized use and removal of City property. In addition, The City intends to assure its access at all times to City premises and City property, equipment, information, records, documents, and files. At times, it may be necessary for The City to provide records, information or assistance in accordance with the terms of a warrant, court order, or other order issued by law. Accordingly, The City has established this Guideline concerning inspections and searches on City premises. This Guideline applies to all employees of The City.

DEFINITIONS

For purposes of this Guideline:

1. "Prohibited materials" means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined in this Policy; drug-related paraphernalia; the unauthorized use or consumption of alcoholic beverages on City property; or City property and/or proprietary and confidential information belonging to a third party that an employee is not authorized to have in their possession.
2. "City property" includes all documents, records, software, electronic codes, data, and files, in both hard copy and electronic form, relating to The City's business; and all equipment, hardware, and other property of any kind, whether owned, leased, rented, or used by The City.
3. "City premises" includes all premises and locations owned or leased by The City or under the control of The City, including parking lots, lockers, and storage areas.
4. "Reasonable suspicion" is suspicion that is based on specific objective, articulable facts that a person has engaged in misconduct or that such person is in possession of prohibited materials. Reasonable suspicion may be based on, but is not limited to, personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by

other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

5. "Possession" means that an employee has the prohibited material or City property on their person or otherwise under their control.

INSPECTIONS AND SEARCHES

Access to City Property

1. In order to ensure access at all times to City property, and because employees properly in possession of City property or information related to City business may not always be available to produce the property or information when needed in the ordinary course of The City's business, The City reserves the right to conduct a routine inspection or search at any time for City property on City premises. In addition, The City reserves the right to access at all times information and communications stored in City computer files, on City mobile devices and in employee voicemail boxes and electronic-mail systems.
2. Routine searches or inspections for City property may include an employee's office, desk, file cabinet, closet, computer files, voice mail, electronic mail, City-issued mobile device or similar places where employees may store City property or City-related information, whether or not the places are locked or protected by access codes and/or passwords.
3. Because even a routine search for City property might result in the discovery of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to The City.

Inspections and Searches for Prohibited Materials

1. Inspections or searches for prohibited materials in or on City premises also will be conducted whenever The City has reasonable suspicion to believe that a particular employee or group of employees may be in possession of materials in violation of this Guideline.
2. Inspections or searches for prohibited materials may be conducted by an independent security service or by City personnel.
3. Inspections or searches for prohibited materials may include an employee's office, desk, file cabinet, closet, computer, City-issued mobile device or similar places where employees may place personal possessions or information, whether or not the places are locked or password protected. Inspections or searches for prohibited materials also may include an employee's locker, or an employee's pockets, purse, briefcase, lunch box, or other item of personal property that is being worn or carried by the employee while on City premises.
4. In cases involving an inspection or search of an employee's pockets, purse, briefcase, or other item of personal property that is being worn or carried by the employee, the employee will be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer who will be a person of the same gender.
5. Absent exigent circumstances, employees who refuse to cooperate during an inspection or search will not be forcibly detained or searched. They will be informed, however, that The City will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to a reasonable suspicion that the employees were in possession of prohibited materials, if applicable, and that their failure or refusal to cooperate could deprive The City of information that may clear them of suspicion. In addition, The City reserves the right to take appropriate action to prevent the unauthorized removal from City premises of City property.

APPROVALS FOR INSPECTIONS

1. In instances in which the inspection or search is conducted because there is reasonable suspicion that a particular employee or group of employees may be in possession of prohibited materials in violation of this Guideline or may be using City property in an unauthorized manner, and in

instances in which an item of the employee's personal property will be searched, the inspection or search will be approved in advance by the highest ranking member of management in the Division who is available at the time the inspection or search is to be conducted and by the Human Resources Director or their designated alternate(s) in the event of unavailability.

2. All inspections or searches that are conducted as part of The City's program of periodic (and unannounced) inspections will be approved in advance by the Human Resources Director, who will inform the Division Manager of the impending inspection prior to its occurrence.

DISCIPLINARY ACTION

Employees who are found to be in possession of prohibited materials in violation of this Guideline and/or in violation of City Property; Proprietary and Confidential Information Guideline, the Technology Use and Privacy Guideline, and the Drug-Free Workplace Guideline, or employees who are found to have used City property in an unauthorized manner, will be subject to discipline, up to and including discharge, regardless of The City's reason for conducting the search or inspection.

CONFIDENTIALITY

Managers and supervisors will make their best effort to restrict communications concerning a violation or possible violation of this Guideline to persons who have an important work-related reason to know.

SECTION 208 RELATIONSHIP POLICY

A work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment. This policy does not preclude or interfere with the rights of employees protected by any applicable statute concerning the employment relationship.

- During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
- During non-working time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
- Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on City premises, whether during working hours or not.
- Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the City's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
- Failure to cooperate with the City of Lewiston to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.
- The provisions of this policy apply regardless of the sexual orientation of the parties involved.

Individuals in supervisory or managerial roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models,

their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions. Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her supervisor of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

When a conflict-of-interest or potential risk is identified due to an employee's relationship with a co-worker, the employees involved will need to participate with the City in options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one or both parties to other positions or departments, if a transfer is available. If one or both parties refuse to accept a reasonable solution, such as a transfer or if a transfer is not available, then one or both parties could voluntarily resign or be terminated. There may be a consideration for agreement between parties involved and the City wherein employees maintain their position under defined rules (dependent on the circumstances). In this situation if the established rules are broken then the agreement would no longer be considered and one or both parties would need to accept a transfer, if available, voluntarily resign, or be terminated.

Due to the nature of their position Directors are not to engage in romantic relationships with City employees, whether in direct supervisory capacity or not. In the event a relationship is established the Director is to notify the Mayor immediately for further discussion and review of options. This policy applies to relationships formed after the effective date of this policy.

Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy. Any concerns about the administration of this policy should be addressed to the HR Director.

SECTION 209 IDAHO WHISTLEBLOWER PROTECTION

Idaho Code, Title 6, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the City, state of Idaho or the United States of America. Any such report must be made at a time, and in a manner, which gives the City a reasonable opportunity to correct the waste or violation. The City may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report. If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

SECTION 210 EMPLOYEE ACTIVITY AND CONDUCT

An employee shall not engage in any employment, activity, or enterprise that is inconsistent, incompatible, or in conflict with his/her duties as a City officer or employee. Each Department Director shall determine which activities, engaged in by employees under his/her jurisdiction, will be considered inconsistent, incompatible, or in conflict with their duties as City employees. In making this determination, a Department Director shall prohibit any employment, activity, or enterprise that:

1. Involves the use for private gain or advantage of City time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of one's City office or employment.
2. Involves the soliciting or the acceptance by the employee of any money, gift, gratuity, or other consideration from anyone other than the City for the performance of an act that the employee would be required or expected to render in the regular course or hours of his/her City employment, or as part of his/her duties as a City officer or employee.
3. Involves the performance of an act other than his/her capacity as a City employee, which act may later be subject to direct or indirect control, inspection, review, audit or enforcement by such employee or the agency by which he/she is employed. (See outside employment, Section 212)

During his/her hours of duty as a City employee, each City employee shall devote his/her full time, attention, and efforts to his/her City office or employment. Prior approval from the Department Director and Mayor must be obtained before any outside employment or work activity is undertaken.

1. Requests for permission to accept outside employment, including self-employment, shall be submitted in writing to the employee's Department Director. The request shall state the name and address of the outside employer, the nature of the job, and the hours of employment. The Department Director will forward the request for permission and the Director's recommendation to the Mayor.
2. The Mayor will approve or reject the request. The Mayor may place conditions on an approval for outside employment.

SECTION 211 USE OF CITY PROPERTY AND MATERIALS; CONFIDENTIAL AND PERSONAL INFORMATION

The security of City property is of vital importance to The City. City property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for The City to preserve and protect its confidential information, as well as the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times.

Nothing in this policy or in related policies is intended to interfere with an employee's right to discuss working conditions within the organization or with members of the public nor is there any restriction on an employee's right to labor organize.

CITY OFFICE PROPERTY AND MAIL

The use of City stationery and/or the postage meter for personal correspondence is strictly forbidden. The personal use of the City's facsimiles or copying machines, phone, and other office equipment is allowed with de minimis use, first receiving management approval, and when there is no additional cost to the City. Receiving personal mail at the City's address is strongly discouraged.

CONFIDENTIAL AND PERSONAL INFORMATION

"Confidential Information" means all information, not generally known, belonging to, or otherwise relating to the business of The City or its clients, customers, suppliers, vendors, affiliates or partners, regardless of the media or manner in which it is stored or conveyed, that The City has taken reasonable steps to protect from unauthorized use or disclosure.

"Personal Identification Information" includes individually identifiable information about employees, customers, consultants, or other individuals, such as Social Security numbers, background information, credit card or banking information, health information, or other non-public information entrusted to The City regarding an individual's personal identity.

While employed by The City, employees must not use or disclose any Confidential Information or Personal Identification Information that they produce or obtain during employment with The City, except to the extent such use or disclosure is required in connection with performing their jobs or required by court order or applicable law. Employees may not use or disclose Confidential Information or Personal Identification Information for any reason after the employment relationship with The City ends. Misuse or unauthorized disclosure of Confidential Information or Personal Identification Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in this Guideline restricts an employee from discussing their wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

OBLIGATIONS ON TERMINATION

On termination of employment, whether voluntary or involuntary, all tangible and intangible City property must be returned to The City immediately. This includes documents, materials, data files, and records of any kind, including any that contain Confidential Information or Personal Information, and any copies thereof. Also, the terminating employee must immediately notify The City if the employee has Confidential Information or Personal Information stored in the employee's personal computer, or in a mobile, cloud, or other storage medium, and work with The City to identify all such Information and its location, and help ensure it is retrieved and/or permanently deleted by The City (or The City's designated agent).

SECURITY

Employees are expected to comply with City policies regarding the authorized and secure use of The City's computer technology. Employees are expected to abide by all of The City's security procedures.

Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove City property without authorization. Failure to adhere to City policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.

Given the sensitivity of Confidential Information and Personal Identification Information, employees may only dispose of such information by secure methods approved by The City and in accordance with the City's Records Retention Policy and Schedule, as may be amended from time-to-time. If an employee has any doubt or question about how to handle Confidential Information or Personal Identification Information, the employee should consult with The City's Human Resources Department.

SECTION 212 SELLING/SOLICITATIONS AT WORK

No peddling, soliciting, or sale for charitable or other purposes shall be allowed among or by employees during working hours unless permitted by this policy. Violation of this policy or concerns related to a solicitation should be reported to Human Resources and/or the Mayor.

School fundraising and community fundraising solicitations may be allowed and the following behaviors must be followed:

- The employee must not be disruptive or interruptive to other employees
- Nonexempt employees may not solicit during paid work hours
- The solicitation and employee may not be coercive
- The solicitation may not be discriminatory
- The solicitation may not be offensive or insulting to others
- Employees may not use City resources such as paper or email when soliciting
- Allowed solicitations should be made rarely

Examples of solicitations that may be allowed are school and community fundraisers such as Rotary Rose Sale, Holiday Poinsettia Sale, Girl Scout Cookie Sale, School Fundraising Catalogues, and 4-H/FFA fundraising sign ups. These examples generally are sign-up sheets, do not demand employees time, and are voluntary.

SECTION 213 POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES

The use of City facilities or resources by City employees for political activity is prohibited. An employee may, on personal off-duty time, engage in political activities, provided he/she does not disturb any on-duty employee. No person who holds an office or employment with the City of Lewiston or who is seeking office or employment with the City of Lewiston may use that office to influence another person for political purposes.

SECTION 214 EXPECTATION OF PRIVACY IN THE WORKPLACE

As a public entity, the City of Lewiston is required to comply with various laws regulating access to public records and open meetings. Notwithstanding, a variety of areas of City business and documents are of a confidential nature, proprietary, and/or exempt from public disclosure. Additionally, employees are expected to make use of City of Lewiston facilities and equipment only for purposes of City business. As such, employees are to expect that supervisors or the appropriate managers may monitor the use of City facilities and equipment during the course of employment, including the performance of duties. This includes all City business conducted on personal computers, laptops, cell phones, and tablets over the City server or through the City's cell phone carrier. This also includes all City business conducted on personal electronic devices, even if such business is not conducted on the City server or through the City's cell phone carrier.

Additionally, employees are expected to respect the workplace privacy and environment of coworkers and supervisors given the fact that certain employees engage in business that may be of a confidential or sensitive nature not otherwise subject to public records or open meeting laws. As such the following workplace behavior is deemed unacceptable:

1. Eavesdropping.
2. Reading or copying papers left on desks, in garbage cans, in mailboxes, or in shredding baskets.
3. Accessing another employee's computer or office without prior approval from the employee or their supervisor.
4. Disclosing confidential information to unauthorized persons without the appropriate consent or permission.
5. Other similar breaches of trust or confidentiality related to workplace privacy or confidential City business, including enforcement or personnel matters.

Given the serious nature of potential violations of this policy, an employee who violates this policy will be subject to appropriate discipline, up to and including discharge.

SECTION 215 COMMERCIAL DRIVER'S LICENSE

This policy is furnished as a guide to comply with the federal regulations required for commercial drivers' licenses. This regulation applies to all persons who are applying for or who are employed in positions with duties or activities that involve the requirement of a commercial drivers' license (CDL). The requirements contained in this regulation are under the authority of the Department of Transportation. The Human Resource Department maintains a list of all CDL holders and oversees the drug and alcohol testing for CDL holders. For questions regarding this program contact Human Resources.

WHEN A CDL IS REQUIRED

A commercial driver's license is required for operation of City vehicles that drive on public roads and meet the following commercial motor vehicle definition:

- Have a gross combination weight rating of 26,001 or more pounds inclusive of the towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Have a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials that are found to be hazardous for purposes of the Hazardous Materials Transportation Act and require the motor vehicle to be placarded under the Hazardous Material Regulations (49 CFR, Part 172, subpart F).

Drivers of firefighting or other emergency equipment used in response to emergencies involving the preservation of life or property are exempt from having to possess a commercial driver's license.

APPLICANT REQUIREMENTS FOR CDL POSITIONS

Any person applying for employment as an operator of a commercial motor vehicle who possess a valid commercial driver's license prior to hire shall provide the following at the time of application for employment:

1. Employment history information for the 10 years preceding the date of the application;
2. List of the names and addresses of the applicant's previous employers for which the applicant was an operator of a commercial motor vehicle;
3. Dates the applicant was employed by these employers; and
4. Reason for leaving such employment.

All applicants who have been conditionally accepted for employment in positions that involve the duties or activities that require a commercial driver's license (CDL) shall take a post-offer Department of Transportation (DOT) test for illegal drugs. A verified negative test result shall be received before the applicant may begin work. This includes current employees who transfer, promote, demote or are reassigned from a non-safety sensitive position into a position requiring a Commercial Driver's License (CDL). The Idaho Transportation Department, Federal Motor Carrier Safety Administration, and Federal Transportation Department will be a central source of information regarding Commercial Driver License's (CDL) and interpreting rules as they pertain to commercial driver's license issues.

All job applicants for positions requiring a commercial driver's license (CDL) will be responsible for all fees associated with obtaining such license and/or endorsements to be eligible for employment. The City will reimburse all current employees the difference between a regular (Class D) driver's license and any fees associated with renewal of a CDL and endorsements, provided the license and endorsements are a requirement of the position per the official job description. Should an employee's position description be modified to add the requirement of a CDL, the City will reimburse the employee for the initial CDL, endorsements and renewal.

LAWS AFFECTING CDL DRIVERS

Commercial driver's license drivers are subject to all laws affecting all drivers. In addition, there are several federal and state laws that affect commercial driver's license drivers. The following are important regulations employees with commercial driver's licenses are responsible for:

- An employee cannot have more than one driver's license.
- It is the employee's responsibility to keep a current address on file with their state's Transportation Department.
- Effective January 26, 2010, texting while operating a commercial vehicle is prohibited and may be subject to civil or criminal penalties.

- A commercial driver's license holder shall notify their state's Transportation Department and the City within 30 days if he or she is convicted in any other state of any traffic violation except parking. This applies no matter what type of vehicle the driver is driving at the time of the infraction.
- An employee shall immediately notify the City if his or her license is suspended, revoked, or canceled, or if he or she is disqualified from driving.
- No employee shall drive a commercial vehicle without a valid commercial driver's license.
- If an employee's position requires a commercial driver's license and the employee's commercial driver's license is revoked, the employee's employment is subject to termination.
- Ongoing medical certification exams are not required for drivers of local government entities who drive commercially only in Idaho.

CLEARINGHOUSE

As required by the Federal Carrier Motor Safety Administration (FCMSA) the City will conduct pre-employment driver investigations and annual queries with the FCMSA Clearinghouse. The Clearinghouse is a centralized database that employers use to report drug and alcohol program violations and to conduct queries, which check that current or prospective employees are not prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to an unresolved drug and alcohol program violation, that is, a violation for which the driver has not completed the return-to-duty (RTD) process. The Clearinghouse is in addition to the existing requirements in the U.S. Department of Transportation (DOT)-wide procedures for transportation workplace drug and alcohol testing.

At the time of hire, an applicant with a CDL will be asked to provide contact information for at minimum the previous three years of employers as well as a consent and background check form. The City will contact the applicant's previous employers about prior drug and alcohol tests as is required by the Department of Transportation.

A copy of all CDL licenses will be maintained in the Human Resources Department. Regular checks with the Idaho Supreme Court Repository and/or the Idaho Department of Transportation may be made to verify the status of such licenses. Some of the required processes may not be conducted for those applicants and employees who have a CDL regulated under provisions of the Federal Transit Administration (FTA).

SECTION 216 LICENSED EQUIPMENT OPERATORS

In order to provide a safe working environment, equipment operators must be properly trained and licensed. All equipment operators must be at least eighteen (18) years of age and have a valid driver's license. On a regular basis, each operator must successfully complete the City's instructional course and a drug screening for certification to operate equipment.

Any unsafe actions by a licensed operator may lead to corrective action, up to and including termination. Any employee choosing to operate equipment without proper training, license, and the consent of his/her supervisor may be subject to corrective action, up to and including discharge.

SECTION 217 USE OF CITY VEHICLES AND EQUIPMENT

At no time will any employee transport persons not employed by the City, with the exception of Transit, Police, and Fire in the capacity of their jobs. Employees are to transport persons in seated positions with a securely fastened seat belt. Transit is excluded from requiring passengers to wear seatbelts on their buses, since seat belts are not available. No person will be transported in the bed, box, or cargo area of a truck. It is the responsibility of the employee to report all missing or defective safety devices or restraints so that equipment can be removed from service and repaired as needed. The equipment, tools, and supplies of the City of Lewiston are acquired and maintained to support the delivery of public services to the citizens of our

community. City employees are entrusted with these items with the expectation that they will be used wisely and properly to serve their intended purposes over a normal life span. City employees shall not allow members of the public to borrow City tools or equipment on or off City property at any time, nor shall City employees borrow or utilize City-owned tools, supplies, or equipment for personal purposes.

- A. Operators of City of Lewiston-owned or leased motor vehicles shall always drive safely, legally and courteously, remembering that they are directly responsible for maintaining both City of Lewiston-owned property and public trust.
- B. Employees are expected to operate vehicles safely. It is the policy of the City of Lewiston to provide a safe working environment that protects our employees and our citizens from injury and property loss. The City of Lewiston considers the use of vehicles part of the working environment. The City of Lewiston is committed to safe responsible employee driving behavior that reduces the risk of personal injury and property loss.
- C. This policy applies to all employees who operate vehicles on City business. These drivers will be reviewed by managers and supervisors to ensure full implementation and compliance.

Vehicles owned or leased by the City of Lewiston are to be used only for the functions of City of Lewiston. Some employees may be assigned a vehicle that is driven home.

- Employees must be authorized by their supervisor to operate a City vehicle.
- Vehicles over 26,000 gross vehicle weight, Buses, and Vans over 15 passengers require a commercial driver's license (CDL).

Employees who drive their personal vehicles on City business are subject to the requirements of this policy including:

- Maintaining auto liability insurance with minimum state limits.
- Providing proof of liability insurance to their department on an annual basis.
- Maintain vehicle in a safe operating condition when driven on City business.

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

Each employee assigned or permitted to operate a City of Lewiston vehicle shall be responsible for the following:

- Proper and safe operation of the vehicle;
- Service and maintain the vehicle in accordance with the manufacturer's recommendations;
- Maintain vehicle registration, license plates and inspections; and
- Participate in vehicle safety and defensive driving training as required by the City of Lewiston.

Impaired Driving: The driver must not operate a vehicle when his/her ability to do so is impaired or influenced by: alcohol, illegal drugs or other illegal substances, prescribed or over-the-counter medication, or illness, fatigue or injury. The employee driver is obligated to report to his/her supervisor any reason that may affect his/her ability to drive safely.

Proof of Insurance: Employee drivers must make sure that the current insurance card is kept in the vehicle at all times.

Vehicle Maintenance: If the City of Lewiston vehicle is in need of repairs, the vehicle should be taken to the City's Service Center for repair. Prior to scheduling major repairs or major maintenance needs, the driver must advise the City's Service Center for approval and any further instructions.

DRIVER EVALUATION

Employees will be evaluated and selected based upon their driving ability. To evaluate employees as drivers, management may:

- Review past driving performance and work experience through reference checks with previous employers.
- Review the employee's Driver's License Record (DLR).
- Ensure the employee has a valid driver's license.
- Ensure the employee is qualified to operate the type of vehicle he/she will drive.

SEATBELT USE

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

MOBILE COMMUNICATION DEVICE, CELL PHONE AND COMPUTER USE

City employees shall not use cell phones, hands free or otherwise, for any purpose while driving a City vehicle or while driving a personal vehicle on City business. This applies to both City issued and personal cell phones. The term cell phones shall include tablets, laptops, or any other mobile devices used for communication of any sort.

Only in extreme emergencies involving law enforcement and emergency medical services personnel, and Transit's communication radio can such use be justified. Even then, it is incumbent upon the Police, Fire, and Transit Departments to establish department policies for such use and to limit such use to specifically defined situations.

ACCIDENT REPORTING

All traffic accidents occurring during working hours and/or involving a City vehicle or piece of equipment, regardless of severity, must be reported to the employee's immediate supervisor, the City's Risk Manager, and appropriate law enforcement agency. Drivers shall cooperate fully with the City's Risk Manager and Insurance Carrier in the handling of the claim.

In the event of an accident, the driver shall, when possible, first check on the safety and welfare of all persons involved and seek immediate medical attention should it be required for themselves or others. If possible, move the vehicle to a safe location out of the way of traffic. Under no circumstance should an employee transport an injured person needing emergency assistance from an accident scene or from the work location. Always contact 911 for transport.

Drivers shall always have a police officer investigate any accident that involves a City of Lewiston vehicle. An employee operating a City-owned vehicle involved in an accident shall not make any statement of liability to anyone other than City representatives. Employees shall cooperate fully with all law enforcement officials investigating the accident. Vehicle accident report forms will be carried in each City vehicle. The employee will complete the appropriate forms (accident and/or injury) the same day and forward such forms to the Department Director, and then to the Risk Manager within three (3) days of the accident or injury. In the event of employee injury, Workers Compensation procedures apply.

If a City employee is issued a traffic citation as the result of an accident occurring during working hours, the payment of the citation shall be the responsibility of that employee unless the cause of the accident is attributed to the City's vehicle or equipment failure. These costs are not reimbursable by the City of Lewiston and must be paid promptly by the driver.

Employees involved in an accident on City time involving any person or vehicle of the general public while using City vehicles or equipment or on City time and in their own personal vehicle on City business will be required to submit to testing for the presence of drugs or alcohol.

SECTION 218 MOTOR VEHICLE RECORD CHECK

The City of Lewiston seeks to safeguard its employees and others when driving a motor vehicle is required while conducting City business. Following a conditional offer of employment, a motor vehicle record check will be conducted on all final job candidates for whom driving a motor vehicle is an essential job function. Thereafter, checks will be run annually for these employees.

Motor vehicle record checks will also be conducted on employees who will be covered by City insurance to drive motor pool vehicles during City business travel. The Human Resource Department will review motor vehicle records and decide as to drivers' status for applicants and employees in accordance with this policy. An applicant for employment may not be hired due to an unsatisfactory driving record; some examples of unacceptable infractions include but are not limited to:

- Any violations involving drugs, alcohol, controlled substances, etc., within the most recent five (5) years
- Refusal to submit to a Blood Alcohol Content (BAC) test
- Any combination of three or more moving violations, "At Fault Accidents" or "Preventable Accidents" within the most recent three years.
- Suspension, revocation or administrative restriction within the last three years
- Leaving the scene of an accident as defined by state laws
- At fault in a fatal accident within the most recent ten (10) years
- Felony committed involving a vehicle
- Three or more "City vehicle" physical damage claims in any twelve-month period
- Reckless driving within the past 24 months.

PROCEDURES

The City will check the motor vehicle records annually each January for all current employees with driving responsibilities or those who use motor pool cars for travel purposes. Any covered employee without a valid driver's license will not be allowed to operate a City vehicle or drive on City business. If driving is an essential job function and the employee cannot be reasonably accommodated, employment may be terminated. If an existing employee has a valid driver's license but the employee's driving record falls at marginal or unacceptable status criteria, the employee will be placed on a probationary status and will be subject to the requirements of that status until the end of the probation. If a subsequent periodic motor vehicle record check reveals further violations, the City will review the specific circumstances surrounding the individual and determine appropriate action.

The City will check the motor vehicle records of any job applicant when driving is an essential job function or when a motor pool car may be needed for City travel purposes. The applicant's job offer is contingent on eligibility under the City policy outlined above. The motor vehicle record check will include a review of all states listed on the individual's employment application and resume. If the applicant does not have a valid driver's license or has a driving record that falls at or below the criteria listed under the unacceptable status (defined above), the applicant will not be hired for positions where driving is an essential job function. If the applicant's or employee's driving record indicates more than one moving violation in the past 12 months but no more than two moving violations in the past 24 months, any additional violations may result

in an applicant not being hired, termination of employment, or other disciplinary action. Applicants who have marginal driving records will be counseled and have their Motor Vehicle Records monitored more frequently. Motor Vehicle Records (MVR's) will be maintained in the Human Resource Department. Copies of employees' MVR's will be placed in their personnel file.

SECTION 219 TOBACCO USE PROHIBITED

For the purpose of this policy, the “use of tobacco products” is defined as smoking, chewing, sniffing, or any other use of cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, e-cigarettes, or other products made or derived from tobacco. The use of tobacco products by City employees during working hours is only permitted during employees’ designated break times or during lunch hours at a minimum distance of twenty (20) feet from any facility, equipment, vehicle, or building owned, rented, leased, or under the control of the City of Lewiston. Violations of this policy will be cause for disciplinary action.

SECTION 220 FIREARMS IN THE WORKPLACE

Employees are prohibited from bringing or possessing firearms, weapons, explosives, or similar items into the workplace on City property without authorization. Only City law enforcement personnel are authorized to bring or possess a firearm in their workplace and in the performance of their duties. However, other City employees may bring firearms to their workplaces so long as the firearms remain in their personal vehicles and are properly placed in their vehicles in accordance with Idaho law while parked on City property.

SECTION 221 SOCIAL MEDIA

The City respects the rights of its employees to use social media to communicate, share information, and work together. In order to protect the City's interests and ensure employees focus on their job duties, employees must adhere to the rules set forth in The City’s Social Media Administrative Policy.

SECTION 222 ATTIRE AND GROOMING

The City of Lewiston strives to maintain a workplace environment that functions well and is free from unnecessary distractions and annoyances. As part of that effort, the city requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, City of Lewiston Department Directors may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

All City of Lewiston employees are expected to present a professional, businesslike image to visitors, customers, and the public. Acceptable personal appearance, including proper maintenance of work areas, is an ongoing requirement of employment with the City of Lewiston. Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods. Any questions about the department’s guidelines for attire should be discussed with the immediate supervisor.

Any staff member who does not meet the attire or grooming standards will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards.

Nothing in this dress code is intended or should be construed to violate, restrict or discriminate against any employee's actual or perceived race, religion, religious creed, sex, sexual orientation, gender, gender identity or

status, gender expression, national origin, ancestry, age, nursing mothers, or any other basis protected by local, state, or federal laws. If any employee believes that their protected rights based upon a protected class are being restricted or violated in some manner by the dress code, please contact your manager or human resources so that these concerns can be addressed. Any employee who needs a medical or religious accommodation to the City's dress and grooming standards should contact the Human Resources Department.

SPECIFIC REQUIREMENTS

Certain staff members may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by the City of Lewiston. At the discretion of the Department Director, in special circumstances, such as during unusually hot or cold weather or during special occasions, staff members may be permitted to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing or athletic wear. Likewise, tight, revealing or otherwise workplace-inappropriate dress is not permitted.

POLITICAL ATTIRE

The City of Lewiston must maintain a politically neutral position. Employees, while at work or at a City sponsored event, should not wear political attire. This includes attire that displays an employee's position on candidacy, initiative, or other political stance.

OFFENSIVE ATTIRE

An employee shall not wear, while at work or at a City sponsored event, attire that contains words, symbols, or images that would be regarded as lewd, obscene, vulgar or plainly offensive.

ADDRESSING WORKPLACE ATTIRE AND HYGIENE PROBLEMS

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in an inappropriate dress, he or she will be required to go home, change into conforming attire or properly groom, and return to work. If a staff member's poor hygiene, smell, or use of too much perfume/cologne is an issue, the supervisor should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, supervisors should follow the normal corrective action process.

CHAPTER 3 – POSITIONS

SECTION 301 EMPLOYEE CLASSIFICATIONS

The Fair Labor Standards Act requires all employees to be classified according to the overtime provisions of the law. For the purpose of paying any compensation, all employees are either "exempt" or "nonexempt" from overtime compensation. Exempt employees, by definition, are exempt from earning overtime compensation and generally receive the same weekly salary regardless of hours worked. Nonexempt employees are employees who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws. Overtime pay requirements are set forth in this Policy. Employees will be informed of these classifications upon hire and informed of any subsequent changes to the classifications. Additionally, employee classifications must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. All determinations of wage classification status are made through the job evaluation process. The Human Resources Department is responsible for classifying all

employees into one of four categories for eligibility to receive certain benefits offered by the City. These categories are defined as:

1. **FULL-TIME REGULAR EMPLOYEE:** An employee who is regularly scheduled to work thirty (30) or more hours per week for fifty-two (52) weeks per year.
2. **PART-TIME REGULAR EMPLOYEE:** An employee who is expected to establish a continuity of service, but is scheduled to work for less than thirty (30) hours per week for fifty-two (52) weeks per year.
3. **TEMPORARY EMPLOYEE:** An employee whose work schedule is irregular and/or for a temporary duration. For example, an on-call transit driver who only works when called into work has an irregular work schedule and is, thus, classified as a temporary employee. Other examples of temporary employees are seasonal employees and paid interns who are hired to work for a temporary duration of time. Seasonal employees generally work less than five (5) months and for only one season in a calendar year. Benefits eligibility for temporary employees will be determined in accordance with the Affordable Care Act, PERSI, and the City of Lewiston Employee Benefit Trust.

SECTION 302 DESIGNATION OF POSITIONS

Each City employee position shall have an appropriate title and job description. The Human Resources Director shall research and propose changes to job titles to the Mayor. The Mayor shall approve all job titles. Each employee position shall be assigned a grade, and each employee shall be assigned to a specific step within his/her applicable grade. Salary scales are updated on the City website as well as the Human Resource and Finance departments.

SECTION 303 JOB DESCRIPTIONS

All job descriptions shall accurately describe the duties and responsibilities of each employee position. Supervisors should review job descriptions on an annual basis to ensure that the job descriptions reflect the current duties and responsibilities of each position. Supervisors should update job descriptions as needed and submit such revised job descriptions to the appropriate Department Director and Human Resources Director for approval.

SECTION 304 COMPENSATION REVIEW

From time-to-time, changes occur in the responsibilities of a position that require review in order to determine whether such changes merit an adjustment to an employee's job description, title, and/or compensation. Such adjustments may be made through a job audit or the discretion of the Mayor. Because job audits have budgetary impacts, a request for a job audit should be initiated prior to the commencement of the annual budget process. The following steps should be followed in regard to a job audit:

STEP 1: Request for Job Audit

A request for a job audit may be made by an employee, a Department Director, or the Mayor. A job audit request should only be made when an employee's responsibilities have changed as a result of reorganization, enhanced job duties, or change in work complexity. Although important, increase in work volume or outstanding performance is not a basis for a job audit.

When an employee requests a job audit, the employee must first submit such request to his/her Department Director for approval. If the Department Director approves of the job audit request, then the Department Director shall forward the request to the Human Resources Director.

When a Department Director requests a job audit of another employee, the Department Director shall notify the employee of the request and submit the request to the Human Resources Director. A Department Director may also request a job audit for his/her position.

In all cases, the following information shall accompany the job audit request:

- A copy of the most recently approved job description for the position subject to the job audit,
- A red-lined job description indicating the specific changes that have been made to the position since the most recently approved job description,
- Any additional background material that the employee or Department Director thinks is relevant to the requested job audit, and
- A completed “Position Description Questionnaire,” form which can be obtained through the Human Resources Department.

STEP 2: Review by External Agency

Upon receipt of a job audit request and the additional information listed above, the Human Resources Director may submit the request and additional information to an external agency.

STEP 3: Final Decision by Mayor

The Mayor shall review such recommendations and approve or deny the request with or without modification. The Mayor shall make a decision on a job audit request within fifteen (15) calendar days of receiving a recommendation. The Mayor’s decision is final.

STEP 4: Placement in Salary Matrix

If a job audit request results in a change in compensation, the Mayor shall assign the position to the proper grade and step in the salary matrix. The employee shall be assigned a new salary date coinciding with the new placement in the salary matrix.

SECTION 305 NEW POSITIONS

The Mayor and Department Directors may request new positions. When requesting a new position, the Mayor or Department Director shall provide the following information to the Human Resources Director:

- a. A description of the position requirements and responsibilities, including required education, experience, and descriptions of the working conditions and physical requirements;
- b. Suggested salary and position title;
- c. A statement regarding the budget impact of the new position and proposed method of paying for such position;
- d. An organizational chart indicating the relationship of the new position to existing positions; and
- e. Any other relevant information that would justify the need for the new position.
- f. Upon receipt of such information, the Human Resources Director shall forward the request to the Mayor for consideration. If the Mayor approves of the request, and if the new position is included in the City’s budget, then the Mayor shall assign the new position to the proper grade and step in the salary matrix. A job audit may also be requested for new positions in order to determine proper placement in the salary matrix.

SECTION 306 EMERGENCY EMPLOYEES

In emergency conditions, such as a natural or manmade disaster when circumstances require immediate additional personnel, a Department Director, or his/her designee, may hire emergency employees, upon the written approval of the Mayor, or his/her designee. An emergency employee shall be placed in an appropriate grade and be provided with appropriate benefits, as approved by the Mayor or his/her designee.

SECTION 307 TELECOMMUTING AGREEMENT

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their work week. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a citywide benefit, and it in no way changes the terms and conditions of employment with the City of Lewiston.

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate. All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

PROCEDURES

Telecommuting can be informal, such as working from home for a short-term project, or a formal, set schedule of working away from the office as described below. Either an employee or a supervisor can suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made may be discontinued for any reason and at any time at the request of either the telecommuter or the City. Every effort will be made to provide notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

ELIGIBILITY

Individuals requesting formal telecommuting arrangements must be employed with the City for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance record. Before entering into any telecommuting agreement, the employee and manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and manager agree, a draft telecommuting agreement will be prepared and signed by all parties with final approval from the employee's Department Director. Telecommuting agreements must provide the justification, rationale, or cause for telework, as well as the timeline for which the agreement will be in place. Human Resources will serve as a resource with the employee and manager on the telecommuting agreement. A copy of the telework agreement will be submitted to Human Resources to be placed in the employee's personnel file.

Evaluation of telecommuter performance will include regular interaction by phone and e-mail between the employee and the manager, weekly face-to-face meetings to discuss work progress and problems, and will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance. An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process. The manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

EQUIPMENT

On a case-by-case basis, the City will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The human resource and information system departments will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The City of Lewiston accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all City property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City, unless other arrangements have been made.

The City will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The employee will establish an appropriate work environment within his or her home for work purposes. The City will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

SECURITY

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary City and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

SAFETY

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into an agreement.

TIME WORKED

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

SECTION 308 INTERNS, EXTERNSHIPS, AND VOLUNTEERS

The Mayor must approve all interns. Interns may receive pay for their services and if so are considered temporary employees. Paid interns may not work full time more than five (5) months less two (2) days.

An internship might include:

- Substantial, project-based tasks allowing the intern to witness the primary business functions of the organization
- Working with team members to produce a project
- Networking and making connections with team members and/or clients
- Taking part in staff meetings

If an intern is working unpaid the following requirements are needed in order to be authorized:

1. Both parties understand that the intern is not entitled to compensation.
2. The internship provides training that would be given in an educational environment.⁴⁰³
3. The intern's completion of the program entitles him or her to academic credit.
4. The internship corresponds with the academic calendar.
5. The internship's duration is limited to the period when the internship educates the intern.
6. The intern's work complements rather than displaces the work of paid employees while providing significant educational benefits.
7. The intern and the employer understand that the internship is conducted without entitlement to a paid job at the internship's end.

Externships are typically an unpaid shadowing of a respected industry professional during which the extern will observe daily duties. Externships are typically shorter than an internship, ranging from a day to about eight weeks. They are typically students and are conducted during winter break or spring break.

An externship might include:

- Observing and networking with professionals
- Taking a tour of City facilities
- Conducting informational interviews
- Sitting in on staff meetings
- Reviewing City literature

Volunteers can be individuals, unpaid interns, or organized community groups. Volunteers assist City employees with programs, special events, and service projects, and serve on various boards and committees. Volunteers may serve for a single event, or on a continual basis throughout the year. Volunteers are individuals who perform services for the City of Lewiston without compensation. Volunteers serve “at-will” and are not considered employees of the City. Accordingly, the City has the discretion to dismiss a volunteer at any time with or without cause and without prior notice. Each volunteer must complete a volunteer application, available on the City website, and comply with all other requirements of the department for which the volunteer will be volunteering. The department Director must approve all volunteers prior to volunteering. The department shall maintain records of volunteers’ hours. Volunteers may also be subject to a background check if their duties require them to work with children or vulnerable individuals. The department is required to clearly identify and communicate volunteer responsibilities to the Human Resources department to determine if a background check is necessary. All Lewiston Police Department volunteers will be subject to a background check.

SECTION 309 RESIDENCY REQUIREMENT

Employees are encouraged to live within the City limits. Employees who live outside City limits must be responsive to specific departmental policies and the needs of the City for emergency callback.

CHAPTER 4 – EMPLOYMENT

SECTION 401 PROOF OF RIGHT TO WORK

Under federal law, all new hires must produce original documentation establishing their identity and right to work in the United States, and complete INS Form I-9, swearing that they have a right to work in the United States. New hires may establish their identity and right to work in the United States by (1) providing documentation that establishes both their identity and employment authorization ("List A" documents) or (2) providing documentation that separately establishes their identity ("List B" documents) and their employment authorization ("List C" documents). All documents must be unexpired. Documentation must be produced within three business days of hire, or on the first day of any employment that is less than three business days. Required documentation must be presented to the Human Resources Department, which will be responsible for processing the documents.

Any one of the following documents may be used to establish both identity and employment authorization ("List A" documents):

1. United States passport;
2. Permanent Resident Card (Form I-551); Alien Registration Receipt Card (I-551);
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
4. An Employment Authorization Document that contains a photograph (Form I-766);
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with (Form I-94 or Form I-94A) bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form; or
6. Passport from the Federated States of Micronesia or Republic of the Marshall Islands with Form I-94A indicating non-immigrant admission under the Compact of Free Association between the U.S. FSM or RMI.

If an applicant cannot produce one of the documents listed above, two documents are required: one to prove identity and another to prove employment authorization.

The following documents are acceptable as proof of identity, but not employment authorization ("List B" documents):

1. A driver's license or I.D. card issued by a state or outlying possession of the United States, provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
2. I.D. card issued by federal, state, or local government agencies or entities provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
3. School I.D. card with photograph;
4. Voter's registration card;
5. U.S. military card or draft record;
6. Military dependent's ID card;
7. Merchant Mariner Card issued by the United States Coast Guard;

8. Native American tribal document;
9. Canadian driver's license; or
10. Individuals under the age of 18 who are unable to produce any of the identification documents listed in (1)-(9) may present a: a) school record or report card, b) daycare or nursery school record, or c) clinic doctor or hospital record only.

The following documents are acceptable to establish employment authorization, but not identity ("List C" documents):

1. A social security card, other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S.;
2. A Certification of Birth Abroad issued by the Department of State (Form FS-545);
3. A Certification of Report of Birth issued by the Department of State (Form DS-1350);
4. An original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying territory of the United States, and bearing an official seal;
5. A Native American tribal document;
6. A United States Citizen Identification Card (INS Form I-197);
7. An Identification card for use of resident citizen in the United States (INS Form I-179); or
8. An employment authorization document issued by the Department of Homeland Security.

Authorization documents will be copied and placed with the employee's Form I-9 in a special file separate from the employee's Personnel File. These documents will be retained at least three years after the date of hire or one year after an employee's employment terminates, whichever is later.

SECTION 402 APPLICATION

All candidates for employment shall submit an application provided by the Human Resources Department of the City. The content of such application shall be as prescribed by Human Resources and approved by the Mayor. The City relies upon the accuracy of information provided by an applicant in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsification, or material omission by an applicant in any of this information or data may result in revocation of any offer or immediate termination of employment, regardless of when it is discovered.

SECTION 403 SELECTION PROCESS

The selection process may consist of an evaluation of the candidate through personal interviews, performance, work samples, physical agility tests, written tests, references, medical examinations, or any combination thereof. All selection of employees and all employment decisions including classification, transfers, discipline, and discharge will be made without regard to race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation or gender identity/expression, or veteran's status. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification. Selection techniques shall be impartial and shall relate to those areas which, in the opinion of the Mayor or Human Resources Director, will adequately and fairly indicate the ability and quality of candidates under consideration to execute the duties and responsibilities of the position to which they seek to be appointed.

INTERVIEW CONSIDERATIONS TO BE AWARE OF

Special considerations may arise before or during the interview process. Some of those considerations include:

- A. Applicants with Disabilities: The City provides reasonable accommodations for applicants with disabilities. Accommodations might include a sign language interpreter, written rather than oral

responses, large print or Braille material, or an accessible interview location. Interviews should be held in an office or conference room that is private and easily accessible to applicants with disabilities.

- B. Prohibited Questions: Human Resources pre-approves questions to be asked during interview sessions. Interviewers shall not ask questions about an applicant's age, birthplace, height, weight, marital status, child care arrangements, religion, sexual orientation, or financial status. Interviewers shall not ask questions about an applicant's health, medical conditions, job injuries, or workers' compensation claims.
- C. Pre-Interview Tests: A department may choose to administer a job-related test prior to the interview process to assist in screening applicants. The same test must be administered to all applicants who continue in the selection process. The test must be relevant to the knowledge, skills, and abilities required for the position. Tests must be reviewed and approved in advance by Human Resources.
- D. Post-Interview Tests: A department may choose to administer a job-related test to each applicant after the interview process. The same test must be given to all applicants who continue in the selection process. The test must be relevant to the knowledge, skills, and abilities required for the position. Tests must be reviewed and approved in advance by Human Resources.
- E. Veteran's Preference Idaho law (Idaho Code §§ 65-503A and 65-504, as amended from time-to-time) requires that qualified applicants who are war and disabled veterans be given preferential treatment when being considered for initial employment. An individual who qualifies for a veteran's employment preference is entitled to a preference over other applicants for the same position who are not more qualified.

Upon completion of the selection process, the Mayor may make appointments from candidates based on the results of the testing and other relevant considerations. Such appointments will usually be upon the recommendation of the Department Director of the department in which the new appointee will be assigned and the Human Resources Director. All such appointments will only become effective after all necessary documents have been signed by the appropriate City officials and the new employee. Some positions may also require criminal background checks.

It is the standard practice of the City of Lewiston to recruit for every vacant position. However, after completion of a recruitment, the Human Resources Department may prepare and keep available an eligibility list consisting of the names of candidates who have been determined to be qualified for the position referred to as an "Open Employment List". A department may refer back to an Open Employment List to fill vacant positions. The City may provide qualified City employees preference over outside applicants without following the standard recruitment practice, see section 413 Promotion.

The types of eligibility lists shall be as follows:

- LAYOFF-REINSTATEMENT LIST: Consists of employees who have been laid off. Such employees may be considered for reinstatement on the basis of length of service and prior job performance.
- PROMOTIONAL LIST: Consists of employees who have qualified through the selection process and from which promotions or advancements to classes with higher salary ranges will be made.
- OPEN EMPLOYMENT LIST: Consists of candidates who have qualified through the application/interview process and from which appointments may be made.

The City will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise the Human Resources Director if he/she requires an accommodation to enable the employee to perform the essential tasks of the job.

SECTION 404 INELIGIBILITY OR DISQUALIFICATION

The Mayor may withdraw a candidate from consideration whose appointment is deemed to be contrary to the best interests of the City. Reasons for disqualification may include, but shall not be limited to, the following:

1. Failure to meet any of the requirements established for the examination or position for which he/she applies including failure to meet deadlines of the application process.
2. Failure to pass pre-employment drug testing.
3. Conviction of a felony or conviction of a misdemeanor involving behavior that is dishonest or immoral, deception, fraud, violence, or threats of violence.
4. Dismissal from a former position for any reason that would be cause for dismissal by the City.
5. Resignation from any position to avoid dismissal.
6. Deception or fraud in content of the application and/or other documents.
7. Disqualification or unsuitability for employment as specified in any City or applicable department rule or regulation.
8. Any other reason as determined by the Mayor.

SECTION 405 BACKGROUND CHECKS

The City of Lewiston is committed to hiring the most qualified applicants. Consequently, all offers of full time and part time employment are conditioned on an applicant successfully passing the City's reference and other background check processes. Additionally, certain volunteer positions are also subject to a background check process.

All offers of employment are conditioned on an applicant successfully passing the City's background investigation. The City's background investigation may include one or more of the following:

- Criminal History Check: At its discretion the City may conduct a criminal history check on all applicants or volunteers regardless of age. This check provides information regarding such things as warrants, civil and criminal filings, and driving records.
- Fingerprint Check: The City conducts fingerprint checks on all applicants and some volunteers 18 years of age or older. This check provides information regarding state and national criminal history records.
- Polygraph Examination: The City conducts polygraph examinations on positions assigned to the Police Department.
- Miscellaneous Checks: For certain jobs additional background investigations are conducted. For jobs involving significant financial accountability, the City may request a consumer report for employment purposes. This may include, but is not limited to information regarding the applicant's credit worthiness, credit standing, and/or credit capacity. Additionally, based on the required education qualifications of a position, the City may request a verification of education.

Applicants shall not begin work until after successfully passing all of the background investigations applicable to the position they will hold. Applicants that do not successfully pass these investigations are ineligible for hire or continued employment and the City's conditional offer of employment will be retracted.

The City retains sole discretion to determine whether to eliminate from consideration for further employment or volunteer service any individual who provides false, misleading, or willfully deceptive information. Employees hired based on false information discovered after employment begins are subject to discipline, up to and including termination. Volunteers may be dismissed from service at any time.

DRUG TESTS

Applicants for safety sensitive positions within the City are required to take a post-offer drug test. Current employees who are transferring, promoting, demoting, or being reassigned from a non-safety sensitive

position to a safety sensitive position are required to take a post offer drug test. A verified negative test result shall be received before an applicant may begin safety sensitive duties. Applicants for positions that require a commercial driver's license are required to take a post-offer Department of Transportation (DOT) drug test. Current employees who are transferring, promoting, demoting, or being reassigned to a position that involves the duties or activities that require a commercial driver's license (CDL) shall take a post-offer Department of Transportation (DOT) drug test. A verified negative test result shall be received before the applicant may begin work. Supervisor shall refer to the City's Commercial Driver's License Regulation for more information.

PROHIBITED CRIMINAL OFFENSES

An applicant, volunteer, or employee shall be disqualified for employment and volunteer service if the individual's record reveals any felony conviction within the individual's lifetime; any misdemeanor conviction related to sexual misconduct, violence, or crimes against children or a vulnerable adult within the individual's lifetime; two or more drug or alcohol related misdemeanors in the last five years, including convictions from foreign jurisdictions. If an applicant's, volunteer's, or employee's record reveals any other misdemeanors that individual may be disqualified for employment and volunteer service. For these crimes, Human Resources in conjunction with the applicable Department Director will consider the following factors in determining whether to disqualify the individual:

- A. The severity or nature of the crime and/or conviction;
- B. The period of time since the incident(s) under review occurred;
- C. The number and pattern of incidents;
- D. Activities since the incident, such as continuous employment, education, participation in treatment, payment of restitution, or any other factors that may be evidence of rehabilitation;
- E. The individual's criminal and employment record since the conviction, including withheld judgment, dismissal, suspension, deferral, commutation, or a plea agreement where probation or restitution was or was not required, a sealed record, or an order according to Section 19-2604, Idaho Code, or other equivalent state law;
- F. The falsification or omission of information on the application form and other supplemental forms submitted.

This term "conviction" includes: a guilty plea; "no contest" or similar plea; plea agreement where probation or restitution was or was not required; a sealed record according to Section 19-2604, Idaho Code, or other equivalent state law or similar result; suspension; commutation; pre-trial diversion; withheld or deferred judgment; bail forfeiture; or guilty finding.

The disqualifying crimes listed in this regulation are not intended to be all inclusive. The City reserves the right to consider additional criminal offenses as disqualifying. The City retains sole discretion to disqualify anyone from employment or volunteer service. If an applicant or volunteer is identified as having a pending criminal action for a crime, the City may consider this as disqualifying.

SECTION 406 TEMPORARY ASSIGNMENTS

During an emergency or during any period of unusual workloads, the Mayor or the Director of any department may temporarily assign City personnel within any department or from one department to another department within the City. Requests for personnel shall be approved by the appropriate Department Directors. Interdepartmental charges shall not be made for employees so assigned. Employees who have been temporarily assigned hereunder shall receive their normal hourly rate of pay and benefits. Department Directors shall administer and coordinate a program for training City employees to ensure maximum utilization of employees during periods of temporary assignment.

SECTION 407 EMPLOYMENT OF RELATIVES

For the purposes of this section, "relatives" shall mean those relatives to the second degree of consanguinity (blood relation) or affinity (marital relation), which shall include spouses, children, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and spouses of those persons.

1. Relatives of elected City officials shall not be appointed to employment with the City as per Idaho Code 18-1359(3).
2. An employee holding a position prior to the election of a local government official, who is related within the second degree, shall be entitled to retain his or her position as per Idaho Code 18-1359(5a).
3. Relatives of employees shall not be appointed, transferred, promoted, or demoted or work in any position where a relative would be in a supervisory chain of the current employee.
4. Relatives of employees will not be given preferential treatment.
5. If two employees marry and are in the same chain of command, the City may select either employee at its discretion and require the selected employee to transfer or leave the organization. The City reserves the right to determine in all cases if a close enough familial relationship exists to prohibit a supervisory relationship. While the organization has no prohibition against hiring relatives of employees, close family members such as parents, children, spouses, siblings, or in-laws will not be hired into or transferred to positions where they directly or indirectly supervise or are supervised by another close family member.
6. The provisions of the foregoing sections apply to temporary employees.
7. Employees or relatives of employees are prohibited from contracting with the City for the provision of goods and services unless there are no other vendors available for the specific goods or services within a one hundred fifty (150) mile radius or the contract is approved by the Mayor.

SECTION 408 EMPLOYMENT OF MINORS

Employees in Idaho under age 18 are considered minors and may be employed only under the following guidelines. The duties and days and hours of work by minors are restricted by the terms and conditions of the provisions of Idaho and federal law.

Minors under the age of 16 may not work:

- More than 54 hours in any week;
- More than nine hours in a day;
- Before 6:00 a.m.; or
- After 9:00 p.m.

SECTION 409 INTRODUCTORY PROBATIONARY PERIOD

The introductory probationary period shall be regarded as part of the testing process. This period shall be utilized for closely observing the employee's work, to determine whether the employee has the skills and other qualifications needed to successfully perform the job for which the employee was hired, and for rejecting any introductory employee whose performance does not meet acceptable standards of work.

All new employees and employees who have been promoted to new positions shall successfully complete the introductory probationary period in order to retain their positions. The introductory probationary period shall be for a minimum of twelve (12) consecutive months of actual service from the date a new employee begins work or the date a promoted employee begins his or her new position. Upon written request of a Department Director, the Mayor may grant an extension of the introductory probationary period up to a maximum of three (3) months beyond the end of the original introductory probationary period. If an employee has served

in an “Acting” capacity, that period of time served shall apply to their promotional introductory probationary period.

Upon the conclusion of the introductory probationary period, the Supervisor shall submit a performance evaluation to Human Resources. All actions changing an employee’s status must be approved by the Mayor. During the introductory probationary period, a new employee may be released from employment at any time without cause by the Mayor. Written notification of such a release shall be served on the introductory probationary employee and a copy filed with Human Resources. An employee who fails to satisfactorily complete the introductory probationary period of a promotion may be returned to his/her previous position, provided a position is available. If the former position has been filled, other vacancies for which the employee is qualified may be considered for placement by the Mayor. If no positions are available for which the employee is qualified, he/she may be discharged from employment, subject to sections 1105 (Demotion and Termination), 1106 (Right of Appeal), and 1107 (Name Clearing Hearing) of this policy.

SECTION 410 PERFORMANCE EVALUATIONS

The City will conduct periodic performance reviews for employees annually, at minimum. It is recommended that introductory probation employees receive a 6-month probationary check in evaluation.

The purposes of the review are to evaluate the employee's current level of performance, to examine the progress made since the last review, and to establish goals for the employee's next review. During their performance reviews, employees are encouraged to discuss any issues raised, as well as any opportunities for advancement or career development within The City.

After receiving their performance evaluations, employees will be required to sign the evaluation acknowledging that they have received the evaluation and are aware of its contents. A copy of the performance evaluation will then be placed in the employee's personnel file. In addition to these formal performance evaluations, The City encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

Satisfactory performance reviews will not necessarily result in wage increases. Likewise, unsatisfactory performance reviews typically will not result in wage decreases. Rather, wage adjustments may be made at any time in the sole discretion of The City and depend on a number of factors, including for example, performance, productivity, seniority and other lawful factors contemplated by The City.

SECTION 411 REAPPOINTMENT

Any regular employee who has resigned from the City's service in good standing may, upon his/her written request, be considered for reappointment to a position in the same or similar position in the City service within one (1) year of such resignation. Such reappointment may be made without benefit of additional examination and may take precedence over eligibility lists; but in no event shall it be mandatory for any Department Director to reappoint a former employee should he/she desire not to do so.

Any employee who is reappointed shall be considered a new employee and shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City except retirement system benefits. The reappointed employee shall be subject to the requirements of the appropriate retirement system of which the employee was a previous active member.

SECTION 412 TRANSFER

No regular employee shall be transferred to a vacant position for which he/she does not possess the minimum qualifications. Upon approval by the Mayor, the Department Director may transfer an employee at any time from one position to another. The transfer of a regular employee from one department to another may only be made with the consent of the employee and the approval of the Department Director, unless the Mayor orders the transfer for purposes of economy and efficiency.

If within six (6) months of the effective date of a transfer, the transferred employee is found not suitable in the new position, or if that position is eliminated and the employee's performance in the original position had been satisfactory, the employee may be transferred back to his/her original or a similar position, provided that position is still vacant. Transfers shall not be used to effect a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in this Policy.

SECTION 413 PROMOTION

Promotional selection for vacancies shall be conducted as the needs of the City require. The City encourages the advancement of personnel within City service. Qualified City employees may be given preference over outside applicants to fill vacancies without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

SECTION 414 DEMOTION

The Mayor may demote an employee for any of the following reasons:

1. An employee's ability to perform his/her required duties falls below acceptable standards,
2. Disciplinary reasons set forth in Section 1101 of this Policy,
3. When his/her position is eliminated,
4. When an employee requests such demotion, and/or
5. For any other reasonable grounds approved by the Mayor.

No employee shall be demoted to a classification for which he/she does not possess the minimum qualifications. Written notice shall be given to an employee with the appropriate facts at least fourteen (14) days before the effective date of the demotion.

SECTION 415 WORK BREAKS

Non-exempt employees that work eight (8) continuous hours or longer a day are eligible to receive two fifteen minute paid breaks during the scheduled workday. Unless the supervisor allows otherwise, one break is to be taken during each half-day or shift. Non-exempt employees working more than four (4) hours, but less than eight (8) hours are eligible to receive one fifteen minute paid break during the scheduled work day. Non-exempt employees working four (4) continuous hours a day or less, may receive one paid fifteen-minute break at the supervisor's discretion. Or as otherwise written in an employee's Collective Bargaining Agreement.

The time of a break is at the supervisor's discretion. Accumulating any unused break periods or using break periods as the basis for starting late, leaving early, or extending a meal period is prohibited.

BREAK TIME FOR NURSING MOTHERS

Departments are expected to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk. The frequency of breaks needed to express milk as well as the duration of each break will likely vary.

Departments shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. A bathroom, even if private, is not a permissible location under the Patient Protection and Affordable Care Act. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mother's use, it must be available when needed in order to meet the statutory requirement. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public. Breaks taken for the purpose of expressing milk are unpaid.

MEAL PERIODS

Supervisors may authorize an unpaid 30 minute or longer meal period for nonexempt employees. Non-exempt employees shall be paid for any meal period during which the employee is not completely relieved from duty or that is less than 30 minutes. The time of a meal period is at the supervisor's discretion. Employees are not permitted to use meal periods as the basis for starting late, leaving early, or extending a meal period, unless authorized by the Department Director or designee.

SECTION 416 REHIRE ELIGIBILITY AND SERVICE RECOGNITION

Where business needs dictate, it is the policy of The City to rehire former employees who: a) voluntarily left City employment or b) were laid off due to business slowdown(s). To be eligible for rehire, former employees must have possessed a satisfactory record of service. This policy sets forth The City's philosophy governing eligibility for reemployment and associated bridging of service (service recognition), where appropriate.

ELIGIBILITY FOR REHIRE

Employees who were part of a reduction in force, as well as those employees who voluntarily resigned, will be eligible for rehire as long as they had a satisfactory work record while employed by The City and separated employment with The City in good standing.

INELIGIBILITY FOR REHIRE

Former employees who had a less-than-satisfactory work record appropriately noted at termination as not being eligible for rehire are excluded from rehire consideration. Employees who were involuntarily terminated by The City, or who separated employment not in good standing, or who were laid off (with a less-than-satisfactory work record) will not be considered for rehire.

SERVICE RESTORATION RULES FOR ELIGIBLE EMPLOYEES

If a former employee with less than one year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefits plan participation purposes.

If a former employee with more than one year's prior service is rehired, the employee's seniority and eligibility to participate in City benefits plans will be bridged if the employee is rehired and the period of prior City service exceeded the duration of the period of absence. Service recognition will include prior service recognition for accrued leave plans.

If a former employee with more than one year's prior service is rehired and the duration of the period of absence exceeded the period of prior City service, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefits plan participation purposes.

REHIRE SERVICE DATE ADJUSTMENT

When recognition of prior service is granted, a rehired employee's City service date will be adjusted in accordance with the service restoration rule.

CHAPTER 5 – COMPENSATION

SECTION 501 COMPENSATION PLAN PREPARATION

The Mayor, or such other person or agency selected for that purpose, shall prepare a Compensation Plan showing for each grade minimum and maximum salary steps and such intermediate steps as deemed desirable. The City may change general compensation for any reason deemed appropriate by the City Council. Compensation may also be adjusted based upon job performance, reclassification of a position, and the availability of funds to maintain a solvent City budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change. In arriving at ranges for positions, the following shall be taken into consideration:

1. Prevailing rate of pay for comparable work in other public agencies,
2. Difficulty and responsibility of work,
3. The City's financial condition and policies, and
4. Other applicable conditions.

The Compensation Plan shall comply with all state and federal pay acts governing compensation. After consideration and adoption by the City Council, the Compensation Plan shall be applied to all applicable positions.

SECTION 502 ADMINISTRATION OF COMPENSATION PLAN

The Mayor shall administer the Compensation Plan for all employees.

1. The Mayor may make an appointment to a position on the scale based on the candidate's qualifications and experience.
2. Salary dates shall be established as follows: Employees appointed, promoted or who are granted a step increase, shall have a new salary date for the purpose of eligibility for consideration of future salary step increases.
3. The Mayor may adjust salary practices consistent with the Compensation Plan.

SECTION 503 ADVANCEMENT WITHIN SALARY RANGE

In order to properly compensate an employee, advancements in pay shall be based on the employee's satisfactory work performance, time in service, and completion and attainment of other specific advancement requirements outlined for the position. No advancement in the salary matrix will occur without an employee achieving a "competent" performance rating in their annual evaluation. An employee's step increase will take place annually on the employee's anniversary date, or last pay increase. Last pay increase could be an employee's promotion date or approved midyear pay increase. Supervisors are responsible for providing a Change of Status form prior to an employee's step date.

SECTION 504 SALARY FOLLOWING PROMOTION

When an employee is promoted to a position in a higher pay range, that employee shall be assigned to the first step in the higher pay range above his/her current pay. The Mayor may approve assignment to any other step in the higher pay range dependent upon internal equity and/or external market conditions. A new salary date shall be established for the purpose of eligibility for consideration of future step increases.

SECTION 505 SALARY FOLLOWING DEMOTION

In the case of a demotion of any employee to a class with a lower maximum pay rate, such employee shall be assigned to the appropriate pay step in the new class as recommended by the Human Resources Director and approved by the Mayor. The employee shall retain his/her previous salary date.

SECTION 506 SALARY FOLLOWING TRANSFER/ACTING APPOINTMENTS

In the case of the transfer of any employee from one position to another, the employee shall receive pay in the grade and step appropriate to his/her qualifications. In some cases the transfer may result in a loss of pay, when the transfer is to a lower classification. A new salary date will be established following a transfer. When an extended illness, leave of absence or a resignation creates a need to fill a position, the Mayor may appoint a qualified employee to that vacancy on an "Acting" basis. During the term of employment, the employee shall receive such rate of pay commensurate with his/her qualifications and consistent with his/her responsibilities. The "Acting" appointment shall not exceed five (5) months without reappointment by the Mayor.

SECTION 507 REVISION OF RANGES

When a range for a given grade is revised upward or downward, the employees in the grade affected shall have their salary adjusted to the appropriate step in the new range.

SECTION 508 SALARY ON POSITIONS "AT MAXIMUM STEP"

Employees' advancement through the salary scale will end at the maximum step, which is the last step in the employee's grade on the salary scale. Once the maximum step is achieved an employee remains at that maximum step until such time that the salary scale is adjusted and it provides additional steps, or the employee is reallocated to a different grade that has a higher maximum pay rate.

If a position is reallocated to a range that has a higher maximum pay rate, the employee shall have her/his salary adjusted to a step in the higher range that is closest to, but not less than, the employee's current salary and the employee shall be assigned a new salary date.

If an employee is reallocated to a position in a lower range, the salary of the incumbent shall be considered at the step closest to, but not less than, the current step unless they are over the maximum step for the new range (AT MAX). The salary date of the incumbent shall not change. Such AT MAX salary shall remain in effect until the salary increases accordingly by a market adjustment, compensation review, or some other method approved by the Mayor.

SECTION 509 SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES

It is The City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure employees are paid properly and no improper deductions are made, employees must review their pay stubs promptly to identify and to report all errors.

If the employee believes a mistake has occurred or if the employee has any questions, the employee should use the reporting procedure outlined below.

Exempt salaried employees receive a salary which is intended to compensate for all hours worked for The City. This salary will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time-to-time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under state law, salary is subject to certain deductions. For example, the employee's salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability, if the available paid sick leave has been exhausted;
- intermittent absences, including partial-day absences, covered by the federal Family and Medical Leave Act, if other available paid leave has been exhausted;
- to offset amounts received as payment for jury and witness fees or military pay;
- during the first or last week of employment in the event the employee works less than a full week; and
- any work week in which the employee performs no work for The City.

Salary also may be reduced for certain types of deductions, such as the employee portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a 401(k) or pension plan.

In any workweek in which the employee performed any work, the employee's salary will not be reduced for any of the following reasons:

- partial-day absences for personal reasons, sickness or disability;
- absence on a holiday when the facility is closed or because the facility is otherwise closed on a scheduled workday;
- absences for jury duty, attendance as a witness or military leave in any week in which the employee has performed any work; and
- any other deductions prohibited by state or federal law.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to the Human Resources Director. If the Human Resources Director is unavailable or if employees believe it would be inappropriate to contact that person (or if they have not received a prompt and fully acceptable reply), they should immediately contact the Finance Department.

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination for any employee who violates this policy. In addition, The City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

SECTION 510 ESTABLISHED WORK HOURS/WORK WEEK

City business hours are from 8 a.m. to 5 p.m., Monday through Friday. Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of the business, at some point The City may need to change individual work schedules on either a short-term or long-term basis.

The established workday for employees shall be eight (8), nine (9), or ten (10) hours. The established workweek for employees shall be eighty (80) hours within a fourteen (14) consecutive day period. A Department Director or the City Mayor may modify employee work hours consistent with the needs of the City. For the purposes of payroll, the workweek begins on Saturday at 12:01 am and runs through 12:00 (midnight) on Friday.

SECTION 511 TIME AND ATTENDANCE REPORTS

Employees are expected to report for their work assignments at the time and place designated by their supervisors. Employees are to accurately report their time. Each supervisor shall review and approve attendance records for all employees. Regular time and attendance reports will be provided by each department to the finance department, within payrolls required submittal time for processing before the end of each pay period. Employees are to review their pay and deductions and contact Payroll immediately of any discrepancies in regards to time worked, leave hours, or deductions.

SECTION 512 PAYROLL

An annual calendar is published establishing payroll dates, including deadlines to submit time, to ensure that pay is processed in a timely manner. Salaries and wages are paid biweekly (26 pay periods), every other Thursday. Should the payday fall on a holiday, the previous workday shall be the payday. Under no circumstances will the City make advance payments to any employee. Employees are to keep information with the City current including address and contact information.

DIRECT DEPOSIT

It is the City's preference that an employee request direct deposit as their method of pay. Direct Deposit Forms should be completed with designated financial accounts. Employees may designate no more than three (3) bank accounts into which their net pay can be electronically deposited. Direct deposit elections remain in effect until the employee files a change authorization or cancellation.

If an employee selects to not participate in direct deposit their paycheck will be mailed each payday to the address that Human Resources has on file. Checks may not be picked up and will not be provided to departments for distribution. Checks will not be distributed prior to the scheduled pay date. When an employee separates or retires their payouts for Vacation Leave, earned Wellness Day, Floating Holiday, and earned Compensatory Time will be paid out in a separate paycheck or direct deposit from their regular earnings.

PAYROLL DEDUCTIONS

Concerted effort is made for the City's Payroll division that they are not over burdened with individual requests for miscellaneous deductions. Therefore, the following payroll deductions are allowed:

- a. Deductions required by law and contracts. For example, Federal and State withholding tax, Social Security Tax, City and or State Retirement Systems and Group medical premiums.
- b. Court ordered deductions such as child support garnishments.

- c. Deductions made on the written authorization from each employee, such as supplemental insurance deductions like life insurance or deferred compensation plans.
- d. Any such other deductions as approved by the Mayor.

GARNISHMENTS

The City complies with applicable state and federal laws regarding the garnishment and assignment of wages. Repeated garnishments for multiple debts can be grounds for discharge or other discipline as provided by applicable laws.

SECTION 513 DIRECTED TIME OFF

Except as otherwise provided in a collective bargaining agreement, when a nonexempt employee is required by his/her supervisor to work beyond his/her regular work hours during a forty (40) hour workweek, the supervisor may direct the employee to take time off during that same workweek equal to the extra time worked. If the supervisor is unable to direct the time off during the same workweek, the hours worked beyond forty (40) hours within the workweek shall be compensated at the rate of 1½ times the employee's regular hourly rate of pay, or compensatory time may be elected by the employee at 1½ times for those hours worked beyond the forty (40) hours. The foregoing section does not apply to FLSA exempt employees.

SECTION 514 OVERTIME POLICY

It is the policy of the City to avoid the necessity for overtime work. Overtime work shall be authorized when overtime is necessary and consistent for the efficient operation of the various departments and when in the best interest of the City, but shall be kept at the minimum necessary to accomplish the project, event, or particular need.

In order to earn compensation for overtime, an employee must have his/her supervisor's and/or Department/Division Manager's prior approval. Overtime work required to meet an emergency situation does not require advance approval, but must be approved by the immediate supervisor for payroll purposes. Approval for overtime will be documented and retained by each department, subject to audit. It shall be the responsibility of the Department Director or Division Manager to see that overtime hours are reported and submitted on the employee's time card for payment of all overtime and compensatory time earned during the appropriate work week.

In accordance with the Fair Labor Standards Act (FLSA), as amended from time-to-time, the City shall compensate covered employees for authorized overtime as follows: Overtime work for all covered employees shall be defined as any time worked beyond (40) hours within a workweek. Except as provided in Section 514, Directed Time Off, overtime shall be compensated for at the rate of 1½ times the employee's regular hourly rate. When necessary to call out employees for emergency overtime work, minimum payment for each call out shall be two (2) hours pay at 1½ times their regular hourly rate of pay.

Authorized overtime for work performed on recognized holidays shall be compensated for at the rate of twice the employee's regular hourly rate for the standard work day, except for those employees who are regularly scheduled to work on holidays. The foregoing section does not apply to FLSA exempt employees or certain part-time employees per federal or state law and regulations.

SECTION 515 COMPENSATORY TIME

Except as provided in Section 513, Directed Time Off, upon approval of the supervisor a non-exempt employee may elect to receive compensatory time at the rate of 1½ for hours worked in excess of forty (40)

hours in a workweek. Accrual of compensatory time shall not exceed one hundred twenty (120) hours. The City shall have the right to schedule employees for and to require the use of compensatory time. The employer and employee shall try to mutually agree on the scheduling of compensatory time. The accumulation and use of compensatory time will be documented and approved by a supervisor. Such records will be retained by each department, subject to audit. Regular reports of the accumulation and use of compensatory time will be submitted to the Finance Department as part of the regular payroll reporting activity. The foregoing section does not apply to FLSA exempt employees.

Temporary and exempt employees are unable to accrue compensatory time. In accordance with FLSA, for any hours worked in excess of forty (40) in a workweek temporary employees shall be compensated Overtime pay, at a rate of 1½ times the employees regular rate of pay.

SECTION 516 STANDBY STATUS AND STANDBY PAY

When it is necessary to require an employee to be available for emergency call out or other services, such employee shall be on a standby status. The Mayor shall establish policies and procedures setting forth the conditions and obligations of standby status.

Except as otherwise provided in a collective bargaining agreement, compensation for standby duty will be granted at the rate of one (1) hour of payment at the employee's normal rate of pay for each six (6) hours on standby duty. When called to work during standby periods, the employee will receive a minimum credit of two (2) hours for each call out and will be paid at 1½ times his/her regular hourly rate of pay for each hour worked. The foregoing section does not apply to FLSA exempt employees.

SECTION 517 TRAVEL TIME FOR NON-EXEMPT EMPLOYEES

Non-exempt employees are paid for travel time in accordance with state law. Please see The City's Travel Administrative Policy for additional information regarding travel for City employees.

CHAPTER 6 – LEAVE PROVISIONS

SECTION 601 SICK LEAVE

Sick Leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when an immediate family member's (spouse/domestic partner, child, and parent) illness presents no practical alternative for necessary care. Sick leave shall be requested only in cases of actual sickness or disability, medical or dental treatment, and Bereavement Leave). The employee requesting sick leave shall notify his/her supervisor or Department Director at least one (1) hour prior to time set for reporting to work. Sick leave with pay shall not be allowed unless the employee has accrued sick leave and his/her Department Director has approved such payment. For the purpose of this policy domestic partner is defined as someone who meets the criteria as listed in Section 601 Benefits.

ELIGIBILITY

Regular employees shall be eligible to accrue sick leave. Regular Part-Time employees (scheduled 52 weeks per year and work 20 hours or more per week) shall be eligible to accrue sick leave in the same proportion as

their regularly scheduled work hours per week are to a forty (40) hour work week. Temporary employees, and part time employees who work less than 20 hours per week shall not earn sick leave.

EARNED SICK LEAVE

Sick leave earned for regular Full-time employees shall be earned at the rate of eight (8) hours each calendar month that an employee has worked regularly scheduled hours and/or has been on an authorized leave that provides for full pay for at least ten (10) working days in that month. Regular Part-Time employees who work 20 hours or more per week, 52 weeks of the year, with consistently the same hours and schedule shall earn Sick Leave prorated to the amount of hours the employee works. An employee is not eligible to earn Sick Leave while in an unpaid leave status, or on an extended leave of absence greater than 12 weeks even if utilizing accrued leave.

USE OF SICK LEAVE

Sick leave may be requested and used as approved by the employee's supervisor. FLSA exempt employees may use sick leave in half-day increments per FLSA laws regarding public employees. The City may require the employee to provide a doctor's note, or require, at the City's expense, an independent review of reported illness by a competent medical authority. In cases of illness, disability, or injury, when an employee has exhausted his/her Sick leave, he/she may request earned Vacation Leave and/or Compensatory hours be used. If an employee has exhausted all available sick leave under this policy, The City reserves the right to apply accrued Vacation or PTO for any absences related to the outlined sick leave usage above.

ACCUMULATION AND SICK LEAVE BENEFITS UPON SEPARATION

Sick leave may be accumulated up to nine hundred sixty (960) hours. Employees who separate from the City in good standing after five (5) years of service will be eligible for payment of twenty-five percent (25%) of their earned sick leave to a tax-free medical expense reimbursement account (VEBA).

An employee who meets the PERSI retirement age requirements and retires in good standing from the City is eligible for payment of thirty-five percent (35%) of his/her earned sick leave into a tax-free medical expense reimbursement account (VEBA). "In good standing" is defined as an employee that has been subject to a reduction in force (layoff) or has resigned and given a written notice of at least fourteen (14) calendar days prior to the effective date of their resignation or as otherwise approved by the Mayor.

SECTION 602 VACATION LEAVE

ELIGIBILITY

Regular Full time employees shall earn accrued Vacation Leave each pay period based on the below schedule. Regular Part-Time employees who work 20 hours or more per week, 52 weeks of the year, with consistently the same hours and schedule shall earn Vacation Leave prorated to the amount of hours the employee works. As an example, a regular part-time employee who works 32 hours each week (80% of a 40-hour work week), will accrue 80% of the vacation hours outlined in the below schedule. Employees can take vacation based on hours accrued and subject to the Department Director's approval. Paid vacation shall not exceed the amount of vacation time the employee has actually accrued. Temporary and Part Time employees working less than 20 hours per week or inconsistent hours shall not earn vacation. An employee is not eligible to earn Vacation Leave while in an unpaid leave status or on extended leave of absences greater than 12 weeks, even if utilizing accrued leave.

Years of Service	Annual Hours Earned	Hours Earned per Pay-Period	Maximum Accrual Limit
1 – 4	96 hours	3.692	192
5 – 9	120 hours	4.615	240
10 – 14	160 hours	6.154	320
15 – 19	176 hours	6.769	352

20 +	200 hours	7.692	400
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USE OF VACATION

The time that an employee may use accrued Vacation Leave and the amount to be taken at any one time require prior approval by the employee's supervisor with due regard for the wishes of the employee and particular regard for the needs of the City. Paid Vacation Leave shall not exceed the amount of vacation time the employee has accrued.

It is the employee's responsibility to request Vacation Leave from their supervisor as per their department's established procedure. Employees shall be allowed to accumulate up to twice their annual earned vacation. Hours may be accumulated over the maximum accrual limit each year until December 31st. As of December 31st each year any vacation leave over an employee's maximum accrual limit will automatically be removed. Removal of vacation leave over an employee's maximum accrual leave will be reflected on the second pay-period of January each year. Those hours that exceed an employee's maximum limit after December 31st of each year will be lost and cannot be utilized. The Mayor may extend earned limits when circumstances justify the extension.

Employees are prohibited from working for the City while taking Vacation Leave. FLSA exempt employees shall only be allowed to use Vacation Leave in increments equal to the length of his/her regular workday. If an employee exhausts their accrued Vacation Leave they are not allowed to use Sick Leave, unless the employee is off work due to a Sick Leave related event or Family Medical Leave, and has received supervisor approval. An employee may utilize earned Compensatory time, earned Wellness Day, Floating Holiday, or request Leave without Pay when Vacation Leave is exhausted.

An employee who is granted Military Leave exceeding 180 calendar days may request payment for accrued Vacation Leave that remains unused. If the employee chooses to not receive payment for their accrued Vacation Leave or if their leave is less than 180 calendar days, then their accrued leave will be available to them to use when they return from leave at the same balance as when the employee went on Military Leave.

VACATION ACCRUAL DURING LEAVES OF ABSENCE

Employees do not accrue vacation during an unpaid leave of absence. Vacation accruals recommence when the employee returns to work.

HOLIDAYS OCCURRING DURING VACATION

If an observed City holiday occurs during an employee's scheduled vacation, no deduction from accrued vacation will be made for the holiday. An employee may add to their vacation period by using the holiday in place of accrued vacation time.

VACATION FOR FAMILY CARE AND MEDICAL LEAVE PURPOSE

Employees who request family care or medical leave pursuant to The City's FMLA policy generally must apply any accrued vacation pay to the unpaid portion of their family or medical leave, as permitted by law; please see Human Resources for more information.

VACATION PAY AT SEPARATION

Upon separation from working for the City, employees shall be paid for earned vacation up to the employee's maximum accrual limit or within the limits of any applicable collective bargaining agreement. In the event of the death of an employee, pay for earned vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with Human Resources. In the event that an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

SECTION 603 PAID HOLIDAYS

REGULAR HOLIDAYS FOR PAY PURPOSES

Regular and exempt employees shall have the following holidays off with pay: New Year's Day, Idaho Human Rights Day/MLK Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve Day, Christmas Day, one (1) day of the employee's choice (floating holiday), and any other day declared a holiday by the Governor of the State of Idaho in response to a specific event or Presidential Declaration, i.e. a day of mourning for a sitting President. An employee eligible for holidays shall not receive holiday pay if the employee is on leave without pay status.

Regular Part Time employees who work 20 hours per week or more, working consistently the same hours per week, 52 weeks of the year, will receive holiday pay prorated to their hours worked in a workweek. Part time regular employees may need to supplement their holiday pay with vacation in order to receive pay for their regular hours on the day of the holiday. Part time regular employees whose regular day off falls on a holiday shall be allowed to take the holiday on another day in the week. Part time regular employees will not receive pay for the holiday plus hours worked for the same day. Non-exempt employees must work their scheduled workday before and after the holiday in order to be eligible for holiday pay, unless the employee is absent with prior permission from their supervisor.

When any day recognized as a holiday by the City falls on a Sunday, the following Monday shall be considered the holiday. When any day recognized as a holiday by the City falls on a Saturday, the preceding Friday shall be considered the holiday. Holidays that occur during an eligible employee's vacation/PTO will not be counted as vacation days taken. In the event Christmas Eve and Christmas occur on Friday and Saturday or Sunday and Monday, the Mayor may designate appropriate days for the official City holidays. Some divisions may require modification of City-wide holidays based on operation and the needs of the City. Advance notification will be provided to employees affected as soon as reasonably practical.

EMPLOYEE FLOATING HOLIDAY

An employee is provided one (1) Floating Holiday each year. To be eligible for a holiday of his/her choice (floating holiday), the employee must have successfully completed six (6) months of continuous employment and received advance approval from his/her supervisor to have the day off with pay. The employee's choice of a floating holiday must be used by December 31 of the calendar year.

RELIGIOUS HOLIDAYS

The City will make reasonable accommodations for an employee's religious observances. An employee who wishes to be excused from work in observance of a religious holiday shall request approval for such absence from his/her Department Director prior to the holiday with sufficient notice time. An employee may elect to utilize their earned Vacation Leave, earned Compensatory time, earned Wellness Day, or Floating Holiday. If the employee making such a request has exhausted all paid time-off benefits, the employee may choose to take Leave without Pay.

EMPLOYEES REQUIRED TO WORK HOLIDAYS

Any employee normally eligible for holiday benefits who is required to work on a day designated as a holiday shall be paid at twice the employee's hourly rate of pay for the hours worked. The employee may elect to take an additional day off in lieu of the double time, with the approval of the Department Director, during the same pay period unless addressed by other contracts or agreements.

When a day designated as a holiday under the provisions of this policy falls on a normally assigned day off of an employee who is eligible for holiday benefits, said employee shall receive either additional pay equal to and in lieu of time off for said holiday, or an additional day off to be taken during the same pay period.

SECTION 604 FAMILY MEDICAL LEAVE (FMLA)

The City will provide Family and Medical Leave to its eligible employees. The City posts the mandatory FMLA Notice in each City building and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you must contact the Human Resource Director in writing.

GENERAL PROVISIONS

Under this policy, the City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

ELIGIBILITY

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- 3) The employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

TYPE OF LEAVE COVERED

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. This includes leave taken due to a worker's compensation claim that makes the employee unable to perform job functions.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice

or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the City's sick leave policy are encouraged to consult with the Human Resource Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short-notice deployment
- b. military events and activities
- c. child care and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post-deployment activities, and
- h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

- a) A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

- b) A “parent of a covered service member” means a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”
- c) Under the FMLA, a “spouse” means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.
- d) The “next of kin of a covered service member” is the nearest blood relative, other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member’s only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member’s next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member’s next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

“Covered active duty” means:

- (a) “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- (b) (2) Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

- 6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term “covered service member” means:

- (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness means:

- (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- (c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

AMOUNT OF LEAVE

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If spouses both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the City and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

EMPLOYEE STATUS AND BENEFITS DURING LEAVE

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's share of the health insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

EMPLOYEE STATUS AFTER LEAVE

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

USE OF PAID AND UNPAID LEAVE

Accrued leave will run concurrently with FMLA. An employee who is taking approved FMLA leave may request Authorized Leave without Pay prior to exhaustion of accrued leave. Requests for Authorized Leave without Pay must be made in compliance with the Authorized Leave without Pay section of this policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued paid leave, or Authorized Leave without Pay for what remains of the 12-week entitlement.

INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

CERTIFICATION FOR THE EMPLOYEE'S SERIOUS HEALTH CONDITION

The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided

using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

CERTIFICATION FOR THE FAMILY MEMBER'S SERIOUS HEALTH CONDITION

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The City may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain the employee's family member's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICE MEMBER FOR MILITARY FAMILY LEAVE

The City will require certification for the serious injury or illness of the covered service member. The

employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

RECERTIFICATION

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition.

PROCEDURE FOR REQUESTING FMLA LEAVE

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Director. Within five business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

DESIGNATION OF FMLA LEAVE

Within five business days after the employee has submitted the appropriate certification form, the HR Department will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

INTENT TO RETURN TO WORK FROM FMLA LEAVE

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

SECTION 605 REASONABLE ACCOMMODATION

City of Lewiston is committed to complying fully with the Americans with Disabilities Act (ADA) and other applicable federal, state, and local laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities. We make our employment decisions based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Further, the City is committed to not discriminating against any qualified employee or applicant because the person is related to or associated with a person with a disability.

The purpose of this document is to provide all employees with a detailed guide on the reasonable accommodation process. There are important steps that must be taken to ensure reasonable accommodations are documented, communicated, and provided in a timely fashion. These steps ensure equal opportunity for applicants, candidates, and employees with disabilities as well as ensure the City of Lewiston meets its legal obligations.

City of Lewiston is committed to processing requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in the following Procedures.

Who is covered by this guidance: Applicants, candidates, and employees with physical or mental conditions that substantially limit one or more major life activities or have a record of such a substantially limiting condition.

What is workplace reasonable accommodation: Workplace reasonable accommodation, sometimes called workplace adjustments, are any changes in the workplace or the way job duties are customarily performed that provides an equal employment opportunity to an individual with a disability. (This process does not cover requests that would pose an undue hardship or fundamentally change the essential functions of a job.) Sometimes an applicant or an employee may ask for an accommodation that is not reasonable or necessary, that poses an “undue hardship” (i.e. too costly or disruptive to business) on the City or its employees or that might threaten the safety of the individual who has made the request or of others. In those cases, the City will discuss whether some other form of workplace accommodation may be effective.

When is reasonable accommodation provided;

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., productivity tools, training, City sponsored events).

What are common types of accommodations:

- Acquisition or modification of equipment
- Changes in the physical layout of a work environment to eliminate or reduce barriers
- Elimination of non-essential job duties
- Modifications of an individual’s work schedule while continuing to meet business requirements
- Modifications to the building where an individual performs work
- Leave of absence
- Reassignment to a vacant position

Note: Leave time and/or reassignment to another vacant position are accommodations of last resort and require the approval of the Mayor.

Responsibilities:

The applicant, candidate, or employee has the responsibility to request an accommodation. Managers are responsible to receive, begin documentation for, and communicate all accommodation requests to the Human Resources Department (HR). HR and/or the manager is responsible for initiating the interactive process with the person who requests an accommodation, to involve only those who are necessarily involved to ensure an effective and timely accommodation is provided. They also must inform the employee or applicant of the outcome of their request.

All requests for reasonable accommodation are handled by or in conjunction with HR. HR will work with the individual’s Department Director and/or Manager to ensure that an appropriate accommodation is provided that meets the individual’s disability-related needs and enables the individual to perform the essential functions of the position.

What is the interactive process (IP)

The interactive process is a collaborative effort between the employee and City of Lewiston to discuss the need for an accommodation as well as identify effective accommodation solutions. The interactive process begins when an employee discloses a disability/health condition and requests an accommodation, a manager or HR representative recognizes an obvious challenge of an applicant, candidate, or employee due to a

disability, or when an employee returns to work with an on-going health care condition or disability. A robust interactive process demonstrates good faith and promotes a disability inclusive workplace.

Confidentiality in the reasonable accommodation process

Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process is required by federal law.

All documentation must be kept in a file separate from an individual's personnel file. Non-medical information obtained during this process is shared on an as needed basis with those involved in providing a reasonable accommodation.

Procedure for Reasonable Accommodations

Most accommodation requests are initiated by the applicant, candidate, or employee. That said, it is important to recognize that Supervisors, Managers, and/or Department Directors should not assume that because an individual has a physical or mental disability that he or she will necessarily require or want an accommodation. An individual may have a disability that does not limit the employee's ability to perform the essential functions of their job or require a workplace modification. Because each individual's abilities and needs are different, each accommodation request will be handled on a case-by-case basis.

In *rare* instances, when a disability and associated need for an accommodation is obvious (e.g. an applicant is blind and cannot access an applicant tracking system, an employee who uses a wheelchair cannot access a restroom) a hiring manager or manager may initiate the reasonable accommodation process and begin the interactive discussion with the person with a disability.

Requesting a Reasonable Accommodation (RA)

The process begins when the City becomes aware that an employee may need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a disability or chronic medical condition. Notification may include documentation from the employee directly and/or from the employee's physician. An **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. A request for an accommodation can also be made by an employee representative (e.g. family member). If the request comes in through a third party, the request should be confirmed with the applicant or employee. Request for Accommodation can be found on the City's website under the HR page.

In most situations, employees should notify their manager directly if they believe they need an accommodation or other workplace adjustment because of a health condition. The manager should communicate the request immediately to HR. The employee can contact HR directly to discuss a reasonable accommodation as well.

If an employee makes a reasonable accommodation request to someone other than the manager or HR such as facilities personnel, or information technology staff, these City representatives should also communicate the request to the HR immediately.

An accommodation request does not have to include any special words, such as "reasonable accommodation," "disability," or "ADA." A request is any communication in which an individual asks or states that the applicant or employee needs a change because of a medical condition. A manager or HR needs to ask an individual whether they are requesting a reasonable accommodation if the nature of the initial communication is unclear.

Important Note: It is best for employees to ask for accommodations *before* any work related issues or concerns arise: While an employee does not have to disclose his/her disability until he/she feels they need an accommodation it is highly recommended that employees not wait until their performance appraisal meeting

or during a disciplinary proceeding as the City of Lewiston does not have to rescind disciplinary actions administered prior to a request for an accommodation.

Once the City receives notice of a need for accommodation, it will provide the employee with the Accommodation Request form which the employee (and/or the employee's physician) must complete and return as indicated.

If the disability or need for accommodation is obvious or adequate medical documentation has already been provided for other reasons (i.e. Family Medical Leave Act, Workers Compensation), no medical documentation will be required. However, a request form still needs to be filled out by the applicant or employee. Whenever the disability or need for accommodation is not obvious, the employee will be asked to sign a release form authorizing the City to secure additional medical information from the employee's health care provider to provide job relevant information as to the nature of the employee's medical condition, and/or whether the requested modification/accommodation is necessary. A request for Medical Inquiry form can be found on the City's HR website page. A Medical Inquiry form specific to leave as an accommodation can be found on the same site.

Note that the health care provider should be provided with information as to the essential duties of the individual's job, in order to have an informed opinion as to any accommodations that will both meet the job requirements, and help to maintain positive health.

HR may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If sufficient medical information is not provided by the individual after several attempts, HR may ask the individual requesting accommodation to sign a limited release form permitting the HR to contact the provider for additional information. HR may also elect to have the medical information reviewed by a doctor of the organization's choosing, at the City's expense.

Employees are obligated to cooperate with this process. A failure to do so could result in delayed consideration of a request or in its denial.

Initiation of the Interactive (IP) Process

After a request for accommodation has been made, and confirmed by a healthcare provider, the next step is to begin the interactive process to determine what, if any, accommodation should be provided. HR will contact the applicant or employee after establishing the need for the accommodation. It is expected that in the case of accommodations for applicants or candidates the process would begin immediately upon request and receipt by HR so that the individual does not lose out on the opportunity to compete for the job. During the interactive process, the individual requesting the accommodation, HR, the manager, and at times the Department Director will need to clearly discuss key aspects with each other including:

- the nature of the job related challenge that is generating the request
- confirming that a disability is prompting the need for an accommodation
- the accommodation solution(s) that may be effective in meeting an individual's needs to successfully meet the requirements of the job

All accommodation requests are handled on a case by case basis. A robust IP frequently requires input from the department manager, HR, the employee and/or the employee's physician. Other departments, a third party vendor, as well as outside disability-related organizations, may be consulted depending on the type of request sought.

Processing Requests

HR will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. Everyone involved in processing a request should respond as quickly as possible. This includes

referring a request to HR, contacting a health care provider if medical information or documentation is needed, and receiving technical assistance from outside parties. It is therefore recommended that the requestor work closely with their health care provider to expedite their response to the City's inquiry. In certain circumstances, a request for reasonable accommodation requires an expedited review and decision.

This includes where a reasonable accommodation is needed:

- **to enable an applicant to apply for a job.** Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- **to enable an employee to attend a meeting scheduled to occur soon.** For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.
- To address a safety related concern in the workplace

An extension of the time frame for providing an accommodation will be considered in extraordinary circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond City's ability to control.** When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. In such circumstances the requestor, manager and other need to know individuals will be informed as to the reason for the delay and anticipated delivery of solution.

Determination

Once HR receives all of the medical and other information deemed necessary, they will determine in consultation with others on a need-to-know basis whether the workplace modification/accommodation sought will be granted, or, whether an alternative modification/accommodation is appropriate. HR will first inform the employee's manager and/or Department Director. HR will then communicate the decision to the employee and discuss the employee's questions/concerns, if any, about that decision and steps for implementation.

A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. If HR or the manager offers an accommodation other than the one requested, but the alternative accommodation is not accepted by the employee, HR or the manager will record the individual's rejection.

Medical information will be disclosed only on an "as need to know" basis. Accommodations may be provided without informing the employee's manager or supervisor without disclosing the employee's diagnosis or disability.

Note: An individual's receipt or denial of an accommodation does not preclude the individual from making another request at a later time if circumstances change and they believe that an accommodation is needed due to workplace needs associated with evolving limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). It is important to note that City cannot refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

Temporary of Trial Accommodations

Many accommodations are implemented long-term, while some accommodations last for only a temporary period. Every situation is unique and requires case-by-case analysis of the individual's limitations, restrictions, specific accommodation needs, and the impact accommodation will have on job performance and business operations.

Implementing a temporary change offers the opportunity to evaluate an accommodation for effectiveness before making the decision to implement the change long-term and also demonstrates good faith.

Situations that can warrant provision of a temporary or trial accommodation may include, *but are not limited to*:

- when time is needed to research a permanent accommodation solution, to acquire equipment, arrange a service, or identify an alternative vacancy;
- when it is necessary to test an accommodation to determine if it is effective;
- when the medical impairment is temporary but sufficiently severe enough to entitle the employee to accommodation;
- when it is necessary to avoid temporary adverse conditions in the work environment; or
- when an accommodation can currently be provided, but may eventually pose an undue hardship if provided long-term.

Monitoring an Accommodation

It is the obligation of the manager to monitor the effectiveness of the accommodation. This monitoring should occur outside of the City's Performance Evaluation process. While employees with disabilities must be able to perform essential functions of their job with or without accommodation, it is also the responsibility of the manager to ensure an accommodation is effective for the employee. If an accommodation is no longer effective, then the interactive process should be re-visited.

Accommodation Request Denial

If the City **denies a request for accommodation**, HR and/or the manager will notify the employee of the reason for the denial of the individual's specific accommodation and the process for appealing the decision. If there are any questions or concerns, those will be discussed with the employee.

Appeals Process

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Mayor to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the notice of denial.

Inquiries and Distribution

Any employee wanting further information concerning these procedures may contact the Human Resources Department at hr@cityoflewiston.org or 208-746-3671. These guidelines will be provided in alternative formats (e.g. large print or Braille) when requested. Reasonable Accommodation forms are available on the City's Human Resources website.

SECTION 606 WORKER'S COMPENSATION

Providing the best care to our injured employees is our highest priority. The City of Lewiston has established the following procedures for treatment of industrial injuries, as provided by Title 72, Idaho Code. Employees who sustain work-related injuries are required to stay within the following established network of healthcare providers for the care and treatment of workers' compensation claims. Exceptions to this policy must have the prior approval of the Risk Manager or Human Resources Director.

ACCIDENT REPORTING PROCEDURES

1. If the injury occurs while at work, the employee will immediately report the injury to their direct supervisor. If the supervisor or manager is not available, the injured employee is required to report the injury to the person "in charge."
2. An Accident Report must be filled out and submitted to the Risk Manager or Human Resources Director as soon as possible, but no later than three (3) days of the accident/injury. An employee could lose all benefits if they wait longer than 60 days to report their injury.
3. Report ALL injuries – even minor injuries. To protect your right to receive worker's compensation benefits, the employee must report any job-related injury or disease to the employer.

4. Supervisors must fill out an Accident Investigation Form which is intended to identify accident root causes and to determine any action necessary to prevent recurrence.
5. If the injury requires emergent treatment or has the potential of causing loss of limb, sight or life, the supervisor or the person in charge will have the employee immediately transported, by ambulance, to St. Joseph Regional Medical Center (SJRMC).
6. If the injury does not fit within the description of Step 5 (above), but does require treatment or time away from work, the City of Lewiston's Occupational Health Care Provider is Valley Medical Express Care located at 2318 Vineyard Avenue. Express Care is open Monday through Saturday from 7:00 a.m. to 7:00 p.m. and from 12:00 Noon to 5:00 p.m. on Sunday. Dr. Cheryl Mallory is generally providing occupational medical services on a full-time basis, Monday through Friday, from 8:00 a.m. to 5:00 p.m. However, it may be another provider on duty. Occupational Medicine is located on the second floor of Valley Medical Center. As an alternative to Express Care, an injured employee may call to make an appointment with Dr. Mallory, or if immediate attention is needed, may check in at the front desk for availability. If the accident occurs at a time services at Valley Medical are not available, please report to St. Joseph Regional Medical Center's Emergency Department.
7. The employee must inform their supervisor and provide either the Risk Manager or Human Resources Director with any work status/restriction updates received from the physician.
8. Employees sustaining on-the-job injuries requiring treatment are required to make an appointment with the Risk Manager or Human Resources Director on the next regular work day (if injury permits). During this appointment, any additional information necessary to file the Worker's Compensation Claim with Intermountain Claims, Inc. (IPA) and the Industrial Commission will be obtained.

REFERRALS AND RETURN APPOINTMENTS WITH HEALTH CARE PROVIDERS

Before making or keeping any appointment for consultation or referral for treatment, the employee must communicate the need and receive authorization from Intermountain Claims, the Risk Manager or the Human Resources Director.

REFUSING TREATMENT

Refusal to follow prescribed physician-ordered treatment may be grounds for denial of benefits under Workers Compensation Law.

BENEFITS

1. Under Idaho Workers Compensation law, employees do not receive income benefits for the first five (5) days they are off work due to an injury, unless the injury requires overnight hospitalization or the time loss exceeds 14 days.
2. The City of Lewiston requires employees to use sick leave during the first five (5) day waiting period. If the on-the-job injury requires overnight hospitalization, no sick leave will be charged.
3. If the leave exceeds fourteen (14) days, the first five (5) day waiting period charged to sick leave will be returned.
4. In the event of a work related disability in which the employee is unable to return to work beyond five (5) days the employee will be paid approximately sixty-seven (67%) percent of their regular wages from Workers Compensation. The employee can choose to supplement their Workers Compensation benefit with approximately thirty-three (33%) accrued leave or compensatory time. The combined total of Workers Compensation and accrued leave is not to exceed one hundred (100%) percent of the pay which the employee would otherwise be entitled.

RETURN TO WORK

It is the policy of the City of Lewiston to allow employees who have been seriously injured or who are seriously ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job.

Purpose

- a. To ensure that employees are able to return to either their full responsibilities or to *temporary* light duty work, as soon as it is appropriate, after a serious illness or injury.
- b. To protect the employee from further injury or illness resulting from returning to work too early.
- c. To protect the city from potential workers' compensation liability resulting from requiring or allowing an employee to perform functions which should not be performed due to medical limitations.
- d. To ensure that reasonable accommodations are made for employees where appropriate.
- e. To discourage abuse of illness leave.

Guidelines

- For purposes of this policy, "serious injury or illness" shall mean any injury, illness or medical condition which is serious enough to affect the performance of any essential function of the job, as determined by the city. The determination shall be made by the employee's department manager or his/her designee, in consultation with the Risk Manager or Human Resource Director.
- When an employee has had a serious injury or illness, whether work related or not, the employee shall not return to work until a physician who has treated or examined the employee releases the employee for a return to work. The release shall specifically address the physical capabilities of the employee and shall unequivocally state the physical restrictions, if any, the employee has. Both the employee and the city have rights and obligations for providing and receiving releases from treating physicians.
- Employees are responsible for obtaining and submitting detailed information from their physician concerning their injury or illness. This information must be provided to the city in a timely manner and will include the physician's recommendation as to whether the employee may return to full or light duty, or should remain off work. If any physical restrictions are placed on the employee, they must be listed in sufficient detail for the city to make an informed decision regarding the employee's suitability to return to work. The city must also be notified of all follow-up appointments with any medical provider who will provide treatment for the injury or illness. The injured employee should follow the procedure outlined below:
- Tell your doctor that the City of Lewiston has a return to work program and ask the following questions:
 - Can I return to my original job with no changes?
 - Can I return to my original job under special conditions, such as reduced work hours or using modified equipment?
 - Can I return to work doing an alternative job assignment, if one can be made available to me?
- Have your doctor complete a Return to Work Form, which lists the employee's medical restrictions and current capabilities. Have your doctor update this form each time you have an appointment. (If you are unable to personally deliver the completed form to the Risk Manager or Human Resources Director, you should ensure that it is either e-mailed, faxed or mailed promptly.)
- Failure of the employee to provide the required information may result in the city's representative contacting the treating physician and obtaining necessary information. The city will not, under any circumstances, place an employee in a work situation where they must perform physical activities that exceed their physical restrictions. Work assignments will remain the right of the city; however, employees are encouraged to discuss any concerns they may have about work assignments and/or physical limitations with their supervisor.

- If the City or the Worker's Compensation Third Party Administrator (TPA) has reason to believe, based on knowledge of the type of injury or illness, observation of the employee, or any other physical evidence or information, that the employee may not be able to perform the essential functions of his/her job, the TPA may require the employee to undergo a job-related independent medical examination (IME) by a physician selected by the TPA.
- In cases where the physician(s) performing the IME has a different opinion than the employee's treating physician, the decision of the TPA will prevail.
- Before the employee returns to work, the physician release and the employee's return must be approved by the employee's department manager or his/her designee and the Risk Manager. The decision to approve the release shall be made based upon all of the information available to the city regarding the job and the employee's medical condition. The release shall be included in the employee's Workers Compensation Medical File.
- The city shall allow the employee to return to full duties once the release has been submitted and approved. Employees are encouraged to pursue any recommended therapy in order to accelerate their return to work.
- Employees returning to work after a serious injury or illness are expected to perform all the required functions and duties of their job.
- In cases where an employee cannot return to full duty because of limitations caused by the serious injury or illness, the city may allow a return to temporary light duty for a period of time not to exceed six (6) months, in cases where (1) there is legitimate light duty available without displacing another employee, (2) the employee is qualified to do the light duty, and (3) the employee's physician releases the employee to perform the light duty. In unusual cases, such as where the employee is undergoing therapy and the employee is an active and committed participant in the therapy and the expectation of a recovery allowing the full performance of the essential job functions is verified by the employee's physician, the light duty may be extended upon approval by the Mayor. In no case will the extension of light duty exceed an additional two months.
- At the end of the temporary light duty assignment, or in cases where there is no light duty available, the following options are available to the employee:
 - a. Return to work in the same job held previously, performing the full duties of the job, with a physician's release as required above.
 - b. Reassignment to another position available in the city, for which the employee possesses the minimum qualifications, and the essential functions of which the employee is able to perform. Availability shall be determined by the human resources director and the department manager(s) involved. Reassignment to a position in a different department must be approved by the Mayor.
 - c. Return to the same job held previously with reasonable accommodations to help in the performance of the essential functions, as set forth below.
 - d. Medical leave of absence (either using accrued leave or workers' compensation benefits, or without pay if benefits or leave have been exhausted or are not applicable).
 - e. Apply on a competitive basis for any open position in the city.
 - f. Retirement or other separation from city employment.
- The city shall make reasonable accommodations for the performance of essential functions by employees who have suffered a qualifying disability under the ADA. Reasonable accommodations do not include creating another position or having another employee perform the essential functions of a position but may include changes in the physical or functional work methods or the work conditions or environment.

SECTION 607 RETURN TO WORK – NON WORK RELATED

RETURN TO WORK FOLLOWING INJURY/ILLNESS

It is the policy of the City of Lewiston to allow employees who have been seriously injured or ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job. The determination shall be made by the employee's Department Director or his/her designee, in consultation with the city's Human Resources Department.

When an employee has had a serious injury or illness the employee shall not return to work until a treating physician releases the employee for return to work. The release shall specifically address the physical capabilities of the employee and shall state any restrictions. If any restrictions are listed, they must be stated in sufficient detail for the City to make an informed decision regarding the suitability to return to work.

The return to work release must be submitted to Human Resources as soon as possible but in all cases prior to the employee returning to work. Employees returning to work with no restrictions are expected to perform all the required functions and duties of their job.

TEMPORARY MODIFIED DUTY

The City may provide work, when possible, for employees who have been restricted by a physician or a health care provider. Such work will be provided subject to availability. Work related injury restrictions will have priority in available work over non work related injuries. Work will be assigned according to the nature of the injury or illness and the limitations set forth by the treating physician or health care provider.

Employees on temporary modified duty must furnish a written update of their medical condition to Human Resources from the treating physician or health care provider after each visit in order to remain in the reassigned job. Being placed on a temporary modified-duty assignment does not excuse an employee from following all City rules and regulations.

In cases where an employee cannot return to full duty because of restrictions, the City may allow a return to modified duty for a period of time not to exceed six (6) months, in cases where: (1) there is a legitimate modified duty available without displacing another employee; (2) the employee is qualified to perform the modified duty; and (3) the employee's physician releases the employee to perform the modified duty. If no modified duty is available, and/or the employee cannot return to perform the essential functions of their position, and/or is unable to return to work refer to Section 605 Reasonable Accommodation.

SECTION 608 AUTHORIZED LEAVE WITHOUT PAY

Leave without Pay (LWOP) is a temporary non-pay status absence from work that in most cases is at the employee's request. Reasons for LWOP may be for absences due to approved FMLA, exhaustion of employee's accrued leaves, Furlough, or extended periods of Medical Leave. LWOP absences may be granted by the Mayor in cases where such absence would not be contrary to the best interest of the City, or in accordance with federal law. Applicable to this policy section, full time leave without pay means a pay period in which no hours of work were accounted for or accrued leave was used.

REQUESTS FOR LEAVE WITHOUT PAY

LWOP may be requested Full Time or Part Time depending on the needs and circumstances surrounding an employee's request. No LWOP shall be granted except upon written request of the employee, setting forth the reason for the leave. Requests should be made to the employees Department Director, Human Resources Director and Mayor at least two (2) weeks prior to the anticipated beginning of LWOP. LWOP for any period requires approval of both the Department Director and Mayor. It is the supervisor's responsibility to communicate leave without pay to Payroll prior to any period of leave without pay. All accrued leave shall be exhausted prior to the approval of LWOP, except when the requesting employee is using approved FMLA

leave, as referenced in the Family Medical Leave section of this policy. During periods of FMLA an employee may elect to utilize partial or full time LWOP, rather than accrued leave.

BENEFITS AND ACCRUED LEAVE WHILE ON LEAVE WITHOUT PAY

Sick and Vacation Leave shall not be earned during periods of full time LWOP. Employees who utilize the Short Term Disability (STD) benefit, in which they receive 60% wage replacement through the City's benefit vendor, will receive full accruals. During periods of full LWOP an employee will be allowed to maintain their medical and dental insurance only when they are on a job protected period of FMLA, in accordance with federal provisions. If on full time LWOP, outside of an FMLA period, the employee's health and dental insurance and voluntary benefits shall be termed the last day of the month in which they were last in a paid status. The employee will be allowed to enroll in COBRA as required by federal provisions.

An employee is responsible for arranging payment with the City's Finance office for his/her portion of any elective benefits during such unpaid leave. If payment is not received benefits may be terminated or the City may collect additional deductions upon the employee's return to work.

SECTION 609 BEREAVEMENT LEAVE

Employees may be granted up to three (3) working days leave with pay by the Department Director in the event of a death in the employee's immediate family to be utilized within 6 months of the employee's family members passing. Such leave shall be at full pay and shall not be charged against the employee's earned vacation or sick leave. Additional time off in excess of three (3) days may be taken by an employee with prior approval of his/her Department Director and the Mayor. Such additional time off shall be charged, in order, to accrued sick leave, accrued vacation time, compensatory time, and/or leave without pay when no other accrued leave is available.

For purposes of this section, "immediate family" shall mean the employee's current spouse or domestic/civil union partner, employee's children, current spouses of the employee's children, children of either spouse, parents of either spouse; grandparents and grandchildren of either spouse; brothers, sisters (including step-brothers and sisters and half brothers and sisters and spouses thereof), legal guardians and legal wards. For the purpose of this policy domestic partner is defined as someone with whom the employee shares a close personal relationship and are each other's sole domestic partner, is responsible for each other's common welfare, is not legally married to anyone else, not related by blood closer than would bar marriage in state of residence, currently shares same and regular permanent residence and intend to do so indefinitely, jointly share financial responsibility for "basic living expenses" including cost of food, shelter, and other costs such as medical expenses, and is 18 years of age or older.

SECTION 610 MILITARY LEAVE OF ABSENCE

Military leave will be granted in accordance with the provisions of federal and state law. An employee who is ordered to report for active duty or to take part in active training duty, who are members of the National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted unpaid Military Leave of absence from such employment for a period not exceeding 60 months.

All employees entitled to Military Leave shall give the Mayor an opportunity, within the limits of military regulations, to determine when such leave shall be taken. Whenever possible, the employee involved shall notify his/her Department Director and Human Resources Director of such leave request at least ten (10)

working days, if not more, in advance of the leave. A copy of the order requiring the employee to report for active duty must be provided to the Human Resources Director as supporting documentation.

- For periods of full time Military Leave in which an employee is expected to be gone for 180 days or more, an employee is able to request payout of their Vacation Leave, Floating Holiday, earned Wellness Day, and earned Compensatory Time. Payouts will occur on the last pay period in which the employee has submitted time for hours worked. If a Vacation Leave payout is not requested the balance of an employee's Vacation Leave will remain until the employee returns from duty, though they will not have accrued Vacation Leave while on Military Leave. An employee's health and elective benefits will be terminated at the end of the month in which an employee last worked. The employee will be able to enroll in COBRA if they would like to continue their medical and dental coverage.
- Employees who are on Military Leave part time or intermittently can utilize hours of Vacation Leave, earned Compensatory Time, Floating Holiday, and earned Wellness Day in increments equal to the difference between what an employee's pay is with the City and what the employee is paid by the Military agency in which they are serving, assuming the Military agency is paying less than an employee's earnings with the City. An employee who is on Military Leave part time or intermittently are utilizing their accrued leave only to supplement their Military pay to reach their regular City wages.

SECTION 611 ADMINISTRATIVE LEAVE

The Mayor may grant Administrative Leave when it is in the best interest of the City that such leave occurs. Administrative Leave of an employee from his/her position is leave without loss of pay, benefits, and/or accrual of same. The Department is responsible for providing notification to the City's Payroll Department in instances when an employee has been placed on an Administrative Leave and when/if they are taken off a period of Administrative Leave. During any period of Administrative Leave an employee is required to be accessible during their work days and hours and to be responsive when contacted by the City.

SECTION 612 EXECUTIVE LEAVE

FLSA exempt employees may be authorized leave (time off with pay) in the event of unusual demands requiring excessive hours of work beyond the normal work schedule. Requests for a full workday of Executive Leave must be in writing, and requires approval from the Department Director and Mayor. Normally, Executive Leave should not exceed one (1) day at a time and should not exceed three (3) days per year.

SECTION 613 COURT APPEARANCES

Employees who are subpoenaed to appear in court as witnesses in a matter arising out of their employment with the City shall be granted leave with pay when the employee is appearing during his/her work hours. If a non-exempt employee is appearing on his/her off duty time, he/she shall receive overtime pay or compensatory time. Compensation received by the employee for witness/subpoena fees or mileage when traveling in a City-owned vehicle must be remitted to the City. Compensation for mileage when traveling in a private vehicle or subsistence allowance shall be retained by the employee. Prior to being granted leave, overtime, or compensatory time, the employee must provide to his/her immediate supervisor a copy of the subpoena or court notice. Employees who are to appear in court as a result of a personal lawsuit shall use available accrued vacation leave or comp time for hours missed.

SECTION 614 JURY DUTY

Any employee required to report for jury duty during his/her work hours for the City shall be granted leave with pay. Said employee shall receive full pay from the City for the time served on the jury, provided the employee remits to the City all compensation received by the employee for such duties. The employee may keep any compensation for mileage (when employee uses his/her own vehicle) or subsistence allowance. Employees shall not be allowed to utilize a City-owned vehicle when serving jury duty.

SECTION 615 UNAUTHORIZED LEAVE OF ABSENCE

Unauthorized leave of absence shall be considered as days, or portions of days, not worked that are normal working days and will cause the deduction from an employee's pay of an amount equivalent to the time absent. Supervisors may discipline in accordance with Chapter 11 of this Personnel Policy, up to and including termination, for any periods of unauthorized leave. Unauthorized leave of absence for three (3) or more days, whether consecutive or not, shall be cause for automatic termination of employment. Unauthorized leave may not be filled using accrued leave.

SECTION 616 SICK LEAVE BANK

The City of Lewiston maintains a Sick Leave Bank to assist employees who have encountered a catastrophic illness or injury. This program provides eligible employees with sick leave donations (who have exhausted all paid leave due to a non-work related catastrophic illness or injury incurred by the employee or an immediate family member). Employees are encouraged to manage their sick leave appropriately. In most cases, time off as a result of general surgery, pregnancy, or worker's compensation are not eligible for sick leave from the sick leave bank.

This policy provides the following:

- Defines eligibility for Sick Leave Bank benefits and the process for applying and receiving those benefits.
- Identifies the staff responsible for the administration of the Sick Leave Bank.
- Provides examples of eligible catastrophic illnesses and injuries as well as exclusions.

This policy applies to the City of Lewiston and its full time benefited employees within all departments and divisions. The Human Resources Director or designee is the person responsible for answering questions relating to the provisions of this policy.

City: City of Lewiston, Idaho and its employees, department, and divisions.

Eligible Employee: Any full time employee with at least twelve (12) continuous months with the City.

Immediate family: Includes the employee's spouse, parents, and children (natural, step, adopted, and foster children).

Catastrophic illness and/or injury: Acute or prolonged illness or injury that is considered life-threatening or with the threat of serious residual disability

ELIGIBILITY

The Sick Leave Bank provides up to a maximum of six (6) weeks of paid leave in a twelve (12) month period (max 240 hours except for Firefighters who have a max of 336 hours) only after the exhaustion of an employee's accrued leave. These benefits are paid at the employee's regular rate of pay and are subject to the same payroll tax liabilities as the employee's normal salary. Existing payroll deductions including benefit premiums will continue to occur.

- Short-term disability (STD) or any other circumstance that reduces the normal amount of City pay to an employee does not add to or extend the maximum six (6) week benefit. Sick Leave Bank will run concurrent with STD benefits and only be utilized for the difference between the benefit (60%) and normal wages (40%).
- Use of Sick Leave Bank runs concurrent with FMLA provisions, and may only be utilized during an approved FMLA period. Sick Leave Bank is not applied to periods of leave that extend beyond an employee's period of approved FMLA. The Mayor may approve use beyond FMLA only due to extraordinary circumstances and at his or her discretion.
- Sick Leave Bank may not be used during any period of leave for a worker's compensation injury or claim. Any Sick Leave Bank benefits approved but not used will remain the property of the Sick Leave Bank.

To receive leave from the Sick Leave Bank, an employee must:

- Have exhausted all accrued paid leave (i.e. sick, vacation, comp, wellness day, and floating holiday(s)).
- Have a catastrophic illness or injury to the employee or immediate family member that has been documented by a health care provider and provide that documentation to Human Resources along with a completed ***Sick Leave Bank Benefits Request Form***.
- Expect to be absent from the workplace for a minimum of thirty (30) continuous calendar days or sixty (60) days intermittently for the condition documented above.

While receiving Sick Leave Bank benefits employees do not accrue normal vacation or sick leave.

APPLYING FOR SICK LEAVE BANK

An eligible employee must request Sick Leave Bank benefits by completing the ***Sick Leave Bank Benefits Request Form*** and submitting it to Human Resources. All applications must be accompanied by a health care provider's statement which includes the beginning date of the condition, expected duration of leave, and a description of the illness or injury. All applications must indicate the number of sick leave days being requested. The application form will be reviewed by Human Resources and the Mayor for consideration.

ADMINISTRATION

The Human Resources Director shall administer the Sick Leave Bank policy. The Mayor shall hear all appeals and may waive policy guidelines under extraordinary circumstances.

Human Resources staff will:

- Accept Sick Leave Bank Request Forms and maintain records of all submissions
- Ensure all medical information is kept confidential
- Forward enrollment forms and approved benefits requests to Payroll
- Forward all appeals to the Mayor

Payroll staff will:

- Process Sick Leave Bank Enrollment Forms after each enrollment period
- Maintain Sick Leave Bank balance records

Department responsibility:

- During an employee's Sick Leave Bank usage, the compensation of such wages, benefits, taxes, and the employee's share of PERSI will continue to be paid from the department's budget, as if they were using accrued leave.

EXAMPLES AND EXCLUSIONS

Examples of catastrophic illness or injury:

- Serious, debilitating illness, impairment, or physical/mental condition that involves treatment in connection with an overnight stay in a hospital, hospice, or residential medical facility.
- High intensity/high frequency of treatment encounters necessary for a chronic of long-term condition that is so serious that, if not treated, would likely result in an extended period of incapacity or death.
- Terminal illness, such as cancer, etc.

Exclusions:

- Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.
- Most leave associated with pregnancy does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition for the mother or child, the situation may qualify as a catastrophic illness or injury.
- Employees on Workers' Compensation are not eligible for Sick Leave Bank benefits.
- An employee must not have a written record of disciplinary action for leave abuse or misuse of leave within the past twelve (12) months.

BENEFITS TERMINATION

Sick Leave Bank hours terminate in the following situations:

- The employee separates from employment with the City.
- Upon the death of the employee or qualified individual.
- When a health care provider releases the employee or qualified individual to return to work.
- The maximum benefit has been exhausted.

APPEALS

If an employee who has requested the sick leave bank feels that they were denied the benefit but met eligibility or have an extraordinary circumstance can make an appeal to the Mayor.

- An appeal must be submitted to HR in writing and have sufficient explanation and information as to determine what is being disagreed or requested. This may include a letter, supporting medical documentation, or any evidence to explain or clarify the denial or request.
- Understanding that the appeals may impact payroll, benefits, and/or leave processing, appeals must be made timely. An appeal will only be considered when received within five (5) days of denial of Sick Leave Bank or onset of extraordinary circumstance.

Depending on the information provided it is at the Mayor's discretion if he or she requests a meeting with the employee. The Mayor will review the information provided and/or consider the information obtained in the meeting and issue a final written decision within 10 working days of receipt of an employee's appeal. In all cases, the Mayor may affirm, modify, or reverse the denial or approve the request.

If the employee's request for Sick Leave Bank, supporting medical documentation, and or usage of Sick Leave Bank is determined to be fraudulent the City will issue discipline to the employee in accordance with the Personnel Policy and/or Collective Bargaining Agreement, up and to discharge. Questions regarding this and any other policy can be directed to the Human Resource office.

CHAPTER 7 – BENEFITS

SECTION 701 BENEFITS

WORKERS' COMPENSATION INSURANCE

The City carries workers' compensation insurance coverage as required by law to protect employees injured on the job. This insurance provides coverage for certain medical, surgical, and hospital treatment in addition to payment for a portion of any lost earnings that result from work-related injuries. Compensation payments generally begin on the first day of an employee's hospitalization or on the fourth day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by The City.

Any leave of absence due to a workplace injury runs concurrently with all other City leaves of absence. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave Provisions and Worker's Compensation sections of this Policy for more information.

The City does not provide workers compensation benefits, or accept any liability, for any illness or injury that arises from an employee's voluntary participation in any off-duty recreational, social, or athletic activity or event that is not an expected or required as part of the employee's work-related duties. Employees who choose to participate in any such off duty activities may be required to sign a written agreement to confirm that they are voluntarily assuming the risk of injury or illness and releasing The City from any such liability.

PUBLIC EMPLOYEE RETIREMENT SYSTEM (PERSI)

The PERSI Base Plan is a defined benefit, taxed deferred plan, under IRS Code Section 401(a) plan. The plan allows for a lifetime allowance at retirement that is not dependent on the amount of money an employee contributes to PERSI. PERSI provides pension benefits to public employees. In order to receive a lifetime benefit retirement an employee needs to contribute for at least 60 months to be vested. The 60 months need not be all at once or with one employer.

Regular employees working more than twenty (20) hours per week for more than one-half of the pay periods in any consecutive five (5) months will be covered in accordance with PERSI. Specific Seasonal positions that allow for work up to six (6) consecutive months are an exception to these eligibility criteria; they are not eligible to participate with PERSI.

PERSI CHOICE 401K

The Choice 401(k) Plan is an optional defined contribution (DC) retirement savings plan available to active PERSI members. Unlike the Base Plan, participation in the Choice 401(k) Plan is completely voluntary. It allows an employee to contribute a portion of their salary on a tax-deferred basis via payroll deductions. This means an employee's contributions come out of their paycheck before taxes, thereby reducing the amount of taxes you pay during the year.

SOCIAL SECURITY

Federal Insurance Contribution Act (FICA) tax is the money that is taken out of employee's paychecks to pay older Americans their Social Security retirement and Medicare benefits. It is a mandatory payroll deduction. FICA doesn't only prescribe tax obligations that support Social Security, but also Medicare. Both employees and employers share these costs to guarantee supplemental income and health coverage in old age. FICA taxes include the withholding of employee compensation, as well as the payment of an employer's portion.

Employee compensation withholding:

- 6.2 percent Social Security tax
- 1.45 percent Medicare tax
- 0.9 percent Medicare surtax on employees earning more than \$200,000

Employer obligations:

- 6.2 percent Social Security tax
- 1.45 percent Medicare tax

The City and all employees contribute social security premiums in accordance with the federal social security premium schedule, unless exempt by Idaho Code or a Collective Labor Agreement (IAFF).

GROUP LIFE INSURANCE

The City provides a City-paid group life insurance policy for all Full-Time regular employees, Reserve Firefighters, and City Council members. The City provides a basic policy of \$20,000 Life and \$20,000 Accidental Death and Dismemberment. Full-Time regular employees, at time of new hire and Open Enrollment, are able to request additional life insurance coverage at the employee's expense. Premiums for additional coverage will be payroll deducted.

MEDICAL, DENTAL, AND VISION INSURANCE

Regular employees working thirty (30) hours or more each week and their eligible dependents are covered by the City's medical, dental, and vision insurance (City of Lewiston Employee Benefit Plan Trust) per the Affordable Care Act (ACA). The contribution payments for employees and their dependents shall be subject to review by the Plan's Trustees annually, and shall be paid according to payroll deduction practices.

Eligible dependents include:

Spouse: person to whom an employee is legally married

Domestic Partner (Affidavit required) who meets the following criteria:

- 18 years of age or older;
- Share a close personal relationship and are each other's sole domestic partner;
- Responsible for each other's common welfare;
- Not legally married to anyone else;
- Not related by blood closer than would bar marriage in state of residence;
- Currently shares same and regular permanent residence and intend to do so indefinitely; and
- Jointly share financial responsibility for "basic living expenses" including cost of food, shelter, and other costs such as medical expenses.

Children: Employee's (or spouses/domestic partners) child who is under age 26 and who meets the following criteria:

- Employee's (or spouses/domestic partners) natural child, step child, adopted child or child legally placed with the employee or spouse for adoption;
- a child for whom the employee (or employees spouse/domestic partner) have court-appointed legal guardianship; or
- a child for whom the employee (or employee's spouse/domestic partner) are required to provide coverage by a legal qualified medical child support order (QMCSO).
- Employee's (or spouse's/domestic partner's) child who is age 26 or over and incapable of self-support because of intellectual disability or physical handicap that began before his or her 26th birthday. Employee must complete and submit the Claims Administrator's affidavit of dependent eligibility form, with written evidence of the child's incapacity, within 31 days of the later of the child's 26th birthday or employees effective date and either: he or she is a Beneficiary immediately before his or her 26th birthday; or his or her 26th birthday preceded the employees effective date and he or she has been continuously covered as a dependent on group coverage since that birthday.

Retiree Coverage

Eligible employees who retire from the City of Lewiston may be able to continue their medical, dental, and vision coverage through participation in the retiree health plan. Plan and participation eligibility subject to plan trustee determination. Employees should contact Human Resources with questions or to confirm eligibility.

PREMIUM PAYMENTS FOR EMPLOYEES ON LEAVE

The City will pay the employer's portion of premiums for continuation of City-sponsored group health plan benefits through the last day of the month in which an employee is in paid status, of any authorized leave without pay. Thereafter, the employee may only continue coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and must pay the full cost of doing so.

If an employee is on an approved FMLA leave, The City will permit the employee to continue coverage under City-sponsored group health plans by paying only the amount charged to similarly-situated active employees. If an employee does not return to work at the expiration of an FMLA leave, regardless of whether they continued coverage during the FMLA leave, they normally will be eligible to elect COBRA continuation coverage with respect to City-sponsored group health plans, with the COBRA qualifying event normally being the expiration of the leave.

Conversion/Post-employment Insurance Options

Pursuant to COBRA eligible employees and their dependents may be entitled to continue certain benefit coverage after employment with The City ceases or certain other qualifying events occur. COBRA information is provided separately. In addition, you also can contact the Human Resources Department to obtain COBRA information.

Insurance Coverage Information

Eligibility requirements and further information concerning insurance coverage are fully explained in the applicable plan documents, summary plan descriptions, and any applicable summaries of material modification, available from the Human Resources Department. In all cases, however, the applicable plan document controls over any summary or other communication for purposes of determining your rights and benefits.

DEFERRED COMPENSATION RETIREMENT PROGRAM

Deferred compensation plans are available to regular Full Time employees through PERSI Choice, International City Management Association (ICMA) Retirement Corporation, or Nationwide Retirement Corporation.

FLEXIBLE SPENDING ACCOUNT

A flexible spending account is available to regular full-time employees only. According to Internal Revenue Service (IRS) Code Section 125, this benefit plan establishes a cafeteria or flexible spending account where certain nontaxable expenses (e.g., qualified health expenses, dependent care expenses, and payroll deducted group premium expenses) may be deducted on a pretax basis each plan year. Employees are eligible to participate as a new hire and during Open Enrollment.

SUPPLEMENTAL BENEFITS

Supplemental optional benefits, such as cancer, accident, critical illness, and short or long-term disability insurance, are available to employees through various vendors for these and other types of insurance coverage. Human Resources maintains enrollment applications for supplemental benefits. Supplemental benefits are to be considered by employees during open enrollment, typically October of each year. New employees have up to thirty (30) days after hire date to enroll in supplemental benefits.

HRA VEBA

Health Reimbursement Arrangement Voluntary Employees Beneficiary Association (HRA VEBA) Trust is a non-profit, multiple employer voluntary employees' beneficiary association authorized under Internal Revenue Code 501(c)(9). HRA VEBA Trust offers a funded health reimbursement arrangement (HRA) plan available to certain governmental employers in the Northwest (Washington, Oregon, and Idaho).

EMPLOYEE ASSISTANCE PROGRAM

Purpose of Guideline

The City recognizes that personal problems may have a negative impact on an employee's attendance, job performance, or behavior at work. The City also recognizes that everyone may occasionally benefit from professional assistance with personal problems. Accordingly, The City provides an Employee Assistance Program (EAP) for employees. The EAP provides confidential and professional counseling and when appropriate, referral to other services to deal with personal problems, such as chemical dependency, marital or family conflict, and emotional problems. The EAP is offered to enhance personal well-being and as a means of improving individual attendance, performance, and productivity.

All counseling through this program is on a voluntary basis. Employees who suspect they may have an alcohol, drug, emotional, marital, family, or other personal problem, even in the early stages, should contact the EAP, seek a diagnosis, and follow through with the program as prescribed by qualified professionals. Although employees are encouraged to use the EAP, participation in the program does not relieve employees of their obligation to perform their work in a satisfactory manner and to comply with other City rules and guidelines including The City's Drug-Free Workplace guideline.

Eligibility

The EAP is offered to all employees and members of their immediate families. For purposes of this Guideline, the phrase "members of their immediate families" means the employee's spouse, registered domestic partner, dependent children and stepchildren, and adult children living at home.

Counseling and Referral Services

The EAP program provides for up to three (3) paid EAP sessions per problem per year, as clinically appropriate, for employees and members of their immediate families. These sessions include problem assessment, professional consultation, counseling, information, and/or referral. EAP counseling is typically a three-stage process that includes: (1) clarifying the problem; (2) identifying the possible solutions; and (3) developing an action plan. If the action plan calls for treatment by another resource, participating employees will be responsible for paying those fees. To determine whether The City's group health plan may cover some of those costs, employees should contact the Human Resources Department. EAP brochures that describe the program in more detail are available through supervisors or the Human Resources Department.

Use of the EAP

Employees should make every effort to schedule EAP appointments before or after working hours, or during meal periods. EAP appointments scheduled during working hours will be treated the same as medical appointments and may be charged against sick leave. In order to protect the confidentiality of the program, employees may refer to EAP appointments as "medical appointments" when filling out time cards or obtaining permission to be absent.

Self-Referral

Any employee or member of their immediate family who desires confidential assistance for a personal problem should call the EAP. Assistance is available seven days a week, 24 hours per day. The EAP will arrange for a counselor to see the individual for confidential consultation, or will provide limited counseling by telephone.

Supervisor Referral

Supervisors may refer employees to the EAP when they believe that an attendance, behavior, or work performance problem may be the result of a personal problem. Even in this situation, all counseling through the EAP is on a voluntary basis. The City may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work performance problem.

Confidentiality

All EAP records and services are treated as confidential. The EAP will not share information concerning an individual's involvement in the program without the individual's written permission unless life, safety, or national security is seriously threatened, or disclosure is otherwise required by law.

If an employee is referred to the EAP by the employee's supervisor because of an attendance, behavior, or work performance problem, the EAP will confidentially inform the supervisor whether the employee attends the EAP session(s) and cooperates with the counseling plan. However, no further information will be shared by the EAP without the employee's written permission.

Questions Regarding EAP Program

Questions regarding EAP services should be directed to the Human Resources Department.

CHAPTER 8 – SEPARATION FROM CITY EMPLOYMENT

SECTION 801 RESIGNATION

In order to be considered as having resigned in good standing, an employee shall be required to submit a written notice of his/her resignation to his/her Department Director at least fourteen (14) calendar days prior to the effective date of their resignation. Both written and oral resignation are effective upon receipt by a supervisor. Oral resignations should be documented by the supervisor after consultation with the Human Resources Director. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file. The Mayor may authorize the resignation in good standing when in their opinion there are sufficient reasons to waive the requirements of this section. If an employee separates not in good standing, the employee is unable to return to employment with the City.

The separation date will be the last day/shift the employee reports to his/her work site. When an employee is granted permission by the Department Director or Mayor to take accrued leave in excess of thirty (30) or more consecutive days prior to the employee's last day, in lieu of taking the payout upon termination, no vacation or sick leave will accrue during the granted period of leave.

Employees who have an unexcused or unauthorized absence of 3 or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of 3 or more working days in a row, the City will consider the employee as having resigned and immediately notify him/her of such.

SECTION 802 REDUCTION IN FORCE

On occasion, the City may need to reduce staff. Some business reasons for this may be economic need, restructuring of operations, combining of departments or functions, and streamlining or elimination of departments, functions, or positions. If a reduction in staff is deemed necessary, the Department Director of the department to be affected will work with the Mayor and Human Resources Director to document the reason and process for the reduction in force.

In some cases, the City may be able to transfer an employee whose position is being eliminated into another area. Employees offered positions elsewhere in the City will not be eligible for any severance payments.

SECTION 803 DISCIPLINARY ACTION

An employee may be discharged at any time as a form of disciplinary action, as provided in Chapter 10 of this Policy.

SECTION 804 RETIREMENT

All regular employees who retire under the provisions of the PERSI retirement plan and provide the City with at least fourteen (14) days' notice of their intent to retire, shall be deemed to have been separated from the City service in good standing.

SECTION 805 PAYMENT ON RESIGNATION, TERMINATION, OR COMPLETION OF ASSIGNMENT OR TERM

If an employee resigns or is terminated involuntarily, he or she will be paid on the next regularly schedule payday, or within 10 days of the separation, whichever is earlier. Employees are entitled to make a written request to be paid sooner and must be paid within 48 hours of that written request being received.

SECTION 806 EXIT INTERVIEW

Employees who leave The City for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with The City, including job duties, job training, job supervision, and job benefits. At the time of the interview, employees are expected to return all City-furnished property, such as uniforms, tools, equipment, I.D. cards, keys, credit cards, documents, and Manuals. Arrangements for clearing any outstanding debts with The City and for receiving final pay also will be made at this time.

CHAPTER 9 – GRIEVANCE PROCEDURE

SECTION 901 NON DISCIPLINARY MATTERS

Employees should have an opportunity to present their work related complaints and to appeal employment related non disciplinary management decisions other than discharge, through a grievance procedure. The City will attempt to promptly resolve all grievances that are appropriate for processing under this Policy. Use of the grievance procedures shall not reflect unfavorably on the employee, the supervisors, the Department Director, or the general management of the City. Retaliatory or discriminatory action against an employee for using the grievance procedure is prohibited and shall be a violation of City policy.

SECTION 902 GRIEVANCE PROCEDURE

The grievance procedure is not available to an employee recommended for discharge or selected for layoff. The grievance procedure is available to regular employees who express dissatisfaction concerning an interpretation or application of an adopted City policy by the Mayor, a supervisor, or other employee. All grievances must be in writing.

Examples of matters that are appropriate to grieve include:

1. A belief that adopted City or department policies, practices, rules, regulations, procedures, or directive by a supervisor have been improperly applied in a manner detrimental to an individual, employee, or violate an employee's professional ethics;
2. Treatment considered unfair by an employee, such as coercion, reprisal, harassment, or intimidation;
3. Alleged discrimination because of actual or perceived race, color, national origin, ancestry, religious creed, gender, marital or familial status, physical or mental disability, sexual orientation or gender, identity, expression or veteran's status; and
4. Improper or unfair administration of employee benefits or conditions of employment, such as vacations, promotions, holidays, or salary.

The grievance procedure has a maximum of three steps, but grievances may be resolved at any step in the process. Grievances should be fully processed until the employee is satisfied with the result, the employee fails to file a timely appeal, or the employee exhausts the right of appeal. A decision becomes final when an employee fails to file a timely appeal or when a decision is made in step three.

An employee who thinks he/she has an appropriate grievance should:

1. Promptly bring the grievance to the attention of the immediate supervisor. If the grievance involves the supervisor, then it is permissible to proceed directly to step two. The supervisor is to investigate the grievance, attempt to resolve it, and notify the employee of the supervisor's decision within seven (7) calendar days. The supervisor shall prepare a written and dated summary of the grievance and proposed resolution. A copy of the written summary shall be provided to the Department Director and Human Resources Director.
2. Appeal the supervisor's decision to the Department Director if dissatisfied with the supervisor's decision, or initiate the procedure with the Department Director if the first step has been bypassed. An appeal must be made in writing within seven (7) working days of receipt of the supervisor's decision. The Department Director will, within ten (10) calendar days from the date the complaint or appeal is received, confer with the employee, the supervisor, and any other persons considered appropriate; investigate the issues; and communicate a decision in writing to all parties involved.
3. Appeal the Department Director's decision to the Mayor, if dissatisfied with the Department Directors decision. Such appeal must be made in writing within seven (7) working Days of receipt of the Department Director's decision. The Mayor will review and investigate the grievance and issue a written, final, and binding decision within ten (10) working days of the Mayor's receipt of the written appeal.

Employees are encouraged to consult with the Human Resources Director and/or their supervisors regarding employee complaints or disputes. A final decision on grievances will not be precedent setting or binding on future grievances.

Information concerning an employee grievance is to be held in confidence to the greatest extent possible while allowing a thorough investigation of the circumstances involving the grievance. Supervisors and Department Directors who investigate a grievance are to discuss it only with those individuals who have a need to know or who are needed to supply necessary background information or advice. Time spent by employees in grievance discussions during their normal working hours will be considered hours worked for pay purposes.

Employees are not to be penalized for proper use of the grievance procedure. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purpose of delay or harassment. At its discretion, the City may refuse to proceed with a grievance that is made in bad faith or solely for the purpose of delay or harassment.

CHAPTER 10 – DISCIPLINARY ACTION

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties and doesn't respond sufficiently to counseling and coaching. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The City may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline. Supervisors are to notify Human Resources of disciplinary proceedings and provide copies of written records.

SECTION 1001 RECORD OF DISCUSSION

An infraction of City policy or continued performance deficiencies may be dealt with, by an employee's supervisor, through the use of a written record of discussion. Record of Discussions are issued when an employee's performance deficiencies warrant a disciplinary action more severe than supervisory counseling and coaching. Its purpose is to get the employee's attention when normal managerial discussions, meetings, and suggestions have failed to have a beneficial effect. The written documentation shall be considered confidential. The written Record of Discussion shall be placed in the employee's permanent personnel file maintained by Human Resources.

SECTION 1002 OFFICIAL REPRIMAND

After a supervisor has written a record of discussion as described in section 1001 of this chapter and the employee's performance deficiencies continue to be poor, or if the performance deficiencies are serious enough to constitute moving to this section first the supervisor may provide for an Official Reprimand. The reprimand shall be written, discussed with the employee, and then placed in the employee's permanent personnel file maintained by Human Resources.

SECTION 1003 DISCIPLINARY PROBATION

The purpose of disciplinary probation is to provide a final opportunity for an employee to correct performance issues and/or unacceptable behavior prior to consideration of disciplinary demotion or discharge. In essence, disciplinary probation is a "last chance" for an employee after other disciplinary actions have been unsuccessful in effecting the necessary changes in an employee's behavior or performance. An employee may only be placed on disciplinary probation by the Mayor.

Disciplinary probation may include a written Performance Improvement Plan (PIP). A PIP, is a tool to give an employee with performance deficiencies the opportunity to succeed. It may be used to address failures, to meet specific job goals, or to ameliorate behavior-related concerns. PIP's should be written with effective goals and sufficient time to address deficiencies.

While on disciplinary probation, the employee shall continue to earn vacation and sick leave, but shall not earn time for the purpose of step increases or promotion; nor shall he/she be allowed to compete in promotional examinations. Disciplinary probation shall not be less than three (3) months or more than six (6) months. A new salary review date will be established upon successful completion of the probation period by adjusting the former salary date by the same number of days the employee was on disciplinary probation.

SECTION 1004 SUSPENSION

While on suspension, an employee suspended from the City service shall forfeit all rights, privileges, and salary, except that the employee shall not forfeit his/her health plan, pension plan, or life insurance. No employee shall be suspended without pay for more than sixty (60) calendar days.

SECTION 1005 DISCIPLINARY DEMOTION

Disciplinary demotion is the change in status of an employee resulting from a disciplinary action to a lower pay step in the same range or to a position in a different range with lesser duties and responsibilities and a lower rate of pay. A new salary date will be established.

SECTION 1006 TERMINATION

A termination is the involuntary separation of an employee from City employment. An employee may be terminated for failure to meet standards of job performance, attendance, and behavior; misconduct; failure to follow employment-related policies and procedures; or for any other reason the Mayor deems sufficient. Except as otherwise provided by State or local law or City policy, an employee may only be terminated by the Mayor. The Mayor will consider the recommendation of the Department Director and Human Resources Director, and such other information as he/she deems appropriate.

CHAPTER 11 – DISCIPLINARY PROCEEDINGS

Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of this policy shall be a violation of City policy.

SECTION 1101 CAUSES FOR DISCIPLINARY ACTION

While not all inclusive, the following list provides examples of impermissible conduct or performance that may lead to disciplinary action up to, and including, immediate discharge.

1. Obtaining employment based on false information or by making material omissions;
2. Theft or misuse of City resources or equipment or the unauthorized removal or possession of another person's property from City premises;
3. Bringing or possessing firearms, weapons, explosives, or similar items into the workplace on City property without authorization;
4. Being under the influence of unauthorized controlled substances or alcohol on the job; failing or refusing a drug test; using, being under the influence of, or possessing illegal drugs while performing City business, or on City time, or on City premises;
5. A plea of or finding of guilt, or conviction for official misconduct in office, or conviction of a crime that has a negative impact on an employee's ability to perform the job or which has a negative impact on the City as an employer;

6. Insubordination, including improper conduct toward a supervisor or refusal to do work as assigned without proper justification;
7. Intimidation, fighting, provoking a fight, bullying, verbal or physical violence toward another employee or member of the public;
8. Misusing, abusing, destroying or damaging City property or equipment, including electronic devices and/or communication;
9. Violations of safety standards that result in carelessness or negligence in performance of work, which compromises or jeopardizes the safety of the employee or others, including repeated injuries from failing to follow safety in the workplace practices;
10. Failure to report a job injury or accident; making false claims or inaccurate statements in the reporting of job injury or accident;
11. Habitual tardiness, absenteeism, job abandonment, unexcused or unauthorized absence or leave from work;
12. General dishonesty or the falsification or destruction of records;
13. Unauthorized disclosure of confidential City information;
14. Failure to obtain and maintain licensure requirements lawfully required as a condition of employment in the position;
15. Loss of a driver's license, when required by the job description;
16. Use of public office or position to obtain personal or financial gain, accepting gifts in exchange for influence or favors given as a City employee;
17. Unlawful job discrimination or harassment towards other employees;
18. Failure to satisfactorily complete any disciplinary probation period;
19. Unsatisfactory or poor performance;
20. Failure to comply with or disregard of City and/or Department employment-related rules, policies, and prohibitions.
21. Not mishandle, improperly care or account for, or use city monies. Including the collection, receipting, depositing or recording of fees.

SECTION 1102 DISCIPLINARY ACTIONS

Disciplinary action shall result in one or more of the following actions:

1. Withdrawal of the disciplinary action against the employee.
2. Record of discussion, as described in Section 1001 of this policy.
3. Official reprimand, as described in Section 1002 of this policy.
4. Disciplinary probation, as described in Section 1003 of this policy.
5. Suspension, as described in Section 1004 of this policy.
6. Disciplinary demotion, as described in Section 1005 of this policy.
7. Termination, as described in Section 1006 of this policy.

SECTION 1103 PERSONS WHO MAY TAKE DISCIPLINARY ACTION

The Mayor may place an employee on Administrative Leave at any time, pending the result of disciplinary action. A Department Director may delegate to supervisory employee(s) the authority to relieve an employee of his/her duties in an emergency situation pending further action by the Department Director. A Department Director may suspend an employee under his/her supervision for not more than three (3) working days at any one time without the approval of the Mayor. Written notice of suspension shall be given to an employee at the time the action is taken or as soon thereafter as practical. Disciplinary probation, demotion, and discharge are actions that can only be taken by the Mayor.

SECTION 1104 NOTICE OF DISCIPLINARY ACTION

Prior to disciplinary action being taken, the Department Director shall advise the employee in writing of the nature of the allegations and that disciplinary action is contemplated. The employee shall meet with the Department Director and may provide any information that he/she may consider appropriate.

Disciplinary action is valid only if a written notice is served on the employee and filed with the Mayor as soon as reasonably possible. This notice shall be served on the employee either personally or by certified mail and shall include:

1. A written report, in common and concise language, of the acts or conduct upon which the disciplinary action is based. This report will also cite the policy and/or procedures(s) violated.
2. A report detailing the nature of the proposed disciplinary action, which may include conditions or future actions to be taken. This report will include the effective date of the disciplinary action.
3. A copy of Section 1106, Right of Appeal, of this Policy.

SECTION 1105 DEMOTION AND TERMINATION

A Department Director may recommend demotion or termination of an employee by submitting a written request to the Mayor, Human Resources Director, and City Attorney. The recommendation shall include the specific allegation and the basis of the recommendation, and a copy shall be provided to the employee. The Mayor shall advise the employee in writing of a pre-discharge or pre-demotion hearing. The employee shall be notified in writing of the basis of the recommendation for discharge or demotion and shall be advised when the employee will meet with the Mayor to discuss the proposed action. A pre-discharge or pre-demotion hearing will be held no sooner than three calendar (3) days after the written notification of the proposed action has been served on the employee. No hearing will be held for a disciplinary probation.

At a pre-discharge or pre-demotion hearing, the employee may present information in response to the charges, including witness testimony. The hearing shall be informal. Human Resources and the City Attorney may be present. This is an employment matter and the employee's attorney, if one is obtained, will not be permitted to attend.

The Mayor shall conduct the pre-discharge or pre-demotion hearing without swearing of witnesses, without allowing cross-examination, and without observing formal rules of evidence. The basis for the recommendation to discharge or demote shall not be made public unless made so by the employee. After reviewing the information provided by the Department Director and the employee, the Mayor shall make a decision within ten (10) working days. The employee shall be given written notice of the Mayor's decision and the basis for such decision. The decision of the Mayor is final and binding.

SECTION 1106 RIGHT OF APPEAL

All employees shall have the right of appeal to the Mayor from any disciplinary action taken by his/her Department Director under this chapter, other than a recommendation for disciplinary probation, demotion, or termination, which are to be addressed in accordance with Section 1105. Such appeal must be filed with the Mayor with a copy to the Department Director and Human Resources Director within ten (10) calendar days after receipt of written notice of disciplinary action. The appeal must state specifically the facts upon which it is based.

The Mayor shall render a final decision on the matter within ten (10) work days after receipt of the appeal, with or without a hearing in the discretion of the Mayor. Failure of an employee to file an appeal within the period specified constitutes a waiver of a right to appeal. At any time after an appeal has been filed, an employee shall have the right to withdraw his/her appeal by written notification to the Mayor.

SECTION 1107 NAME CLEARING HEARING

An employee who has been terminated from employment based upon public allegations of dishonesty, immorality, or criminal misconduct is entitled to a name-clearing hearing. An employee must request a name clearing hearing in accordance with the requirements set forth below. Failure to request a name-clearing hearing constitutes a waiver of this opportunity.

The procedure for a name-clearing hearing is as follows:

- a. Within fourteen (14) calendar days of his/her termination the employee may submit a written request for a name-clearing hearing, stating with particularity the basis for the requested hearing. The written request must be submitted to the Mayor and Human Resources Director. Written requests that are untimely submitted or that fail to state a particular, legally recognized basis will not be granted. An employee will be promptly notified if a requested hearing is denied.
- b. An employee who is legally entitled to a name-clearing hearing, will meet with the City Council in executive session.
- c. An audio recording of the hearing, capable of being transcribed, will be made and maintained as part of the personnel record.
- d. The employee's supervisor, Department Director, and/or the Mayor may provide a written statement at least twenty-four (24) hours prior to the hearing in response to the employee's allegations. The City Council may require the employee's supervisor, Department Director, Human Resources Director, and/or the Mayor to participate in the hearing.
- e. The employee will be provided an opportunity to present evidence upon which the allegations are based.
- f. The City Council may ask questions during this process.
- g. The employee may question participants during this process.
- h. The Idaho Rules of Evidence do not apply during the name-clearing hearing.

After the hearing, the City Council will consider the information submitted, and such other information as might be in the City's records, to arrive at a decision concerning the employee's allegations. The City Council's decision will set forth in writing the reasons for the City Council's determination. Issues involving job performance or employee attitude, without allegations of dishonesty, immorality, or criminal misconduct, are not the proper subject of a name clearing hearing and will not be heard.

CHAPTER 12 - PERSONNEL RECORDS, REPORTS, AND NOTICES

SECTION 1201 OBJECTIVES OF MAINTAINING ADEQUATE PERSONNEL REPORTS AND RECORDS

Objectives of maintaining adequate personnel records and reports shall be:

1. The documentation necessary to show that the legal, regulatory, and procedural requirements have been met in all personnel actions.
2. A basis for preparing annual evaluations and making decisions. involved in personnel actions and for planning operations.
3. A basis for reports on personnel activities.
4. Training and development.

SECTION 1202 PERSONNEL ACTION FORMS

Every appointment, transfer, promotion, demotion, change of salary, resignation, retirement, discharge, suspension, and any other temporary or permanent personnel action shall be reported to the Mayor and the Human Resources Department and a record including effective date of the same shall be kept by the Human Resources Department.

SECTION 1203 PERSONNEL FILES

The Human Resources Department is responsible for overseeing record keeping for all personnel information and shall maintain the official personnel files on employees, showing each employee's name, address, emergency information, position title, salary, assigned department, changes in salary, performance evaluations, record of personnel actions, employment status, benefit forms, and such other information as may be considered pertinent. The form and manner in which such information shall be maintained shall be determined by the Mayor. Employees have a responsibility to keep their personnel records up-to-date and are to notify the Human Resources Department, as appropriate, in writing of any changes including name, address, phone numbers, marital status (for benefits and tax withholding purposes only), beneficiary designations for any of the City's insurance, disability, pension, and deferred compensation plans, and person to be notified in case of an emergency.

Personnel records are stored digitally and are confidential. An employee's personnel record may be examined by the employee, immediate supervisor, Department Manager, Mayor, City Attorney's office, Human Resources, and any other person authorized by law to access the record. Upon separation of an employee, the Human Resources Department shall retain personnel records in accordance with State law and the City's Records Retention Policy and Schedule, as may be amended from time-to-time.

SECTION 1204 ACCESS TO DEPARTMENT RECORDS

Each department may keep and maintain such personnel records as may be deemed necessary for the purpose of carrying out the provisions of this Policy and the functions of the department. A supervisor's file on an employee shall contain information necessary to complete the annual performance evaluation. Once the evaluation is completed for that period, supplemental notes, records of discussion, or dated material used to prepare the evaluation, other than those that are considered permanent per the City's Records Retention Policy and Schedule, will be destroyed or archived with Human Resources in an appropriate and secure manner, in accordance with the City's Records Retention Policy and Schedule, as may be amended from time-to-time. The Mayor shall have access to all department reports, records and documents dealing with personnel matters, the examination of which will aid him/her in the discharge of his/her duties.

SECTION 1205 PUBLIC RECORDS REQUESTS & CONFIDENTIALITY

The disclosure of records and information prepared and maintained by the Human Resources Department shall be governed by the Idaho Public Records Act.

Neither the Human Resources Department nor anyone in the City service shall be allowed to make known the gender, race, marital status, birth date, home address, phone number, Social Security number, application forms, testing and scoring materials, grievances, correspondence, and performance evaluations, as contained in the personnel records of any employee, officer, or appointed official without the prior approval of that employee, officer, or appointed official, unless otherwise required by law or court order.

SECTION 1206 RECORD KEEPING

Personnel files and payroll records shall be retained pursuant to the laws of the State of Idaho and the City's Records Retention Policy and Schedule, as may be amended from time-to-time.

SECTION 1207 EMPLOYEE REFERENCES

Unless otherwise required by law or a court order or subpoena, or authorized in writing by an applicant or employee, the Human Resources Department will furnish only the following information regarding applicants or former or current employees in response to a request for references:

1. Job title
2. Pay grade and step
3. Hire date
4. Hourly salary
5. Status
6. Workplace

CHAPTER 13 - EMPLOYEE TRAINING AND EDUCATION

The City shall encourage the training, self-improvement, and personal development of all employees, which includes two general phases: on-the-job training and education programs.

SECTION 1301 ON-THE-JOB TRAINING

Responsibility for developing training programs for employees shall be assumed jointly by the Department Director, Mayor, and supervisor. Such training may include demonstrations, assignments of reading matter, lecture courses, or other strategies to improve the effectiveness and broaden the knowledge of employees.

SECTION 1302 IN-HOUSE EDUCATION PROGRAMS

Personal, professional development, workplace, diversity, and other training is vital to the success of each employee and to the City. Employees will be given advanced notice when courses are offered, such as Safety, Wellness, Risk Insurance, and Leadership and Managerial Instruction. In addition, training such as Harassment, Diversity, Workplace Violence, or other training may be required for all employees by the Mayor from time-to-time. A supervisor or Department Director can require an employee to attend in house training programs or other outside training opportunities.

SECTION 1303 SAFETY AWARENESS & EDUCATION

The City of Lewiston is committed to workplace safety and strives to provide a safe and healthy work environment for all employees. The Risk Manager will constantly evaluate working conditions and develop safety training and education for the prevention of occupational injury and property damage.

Department Directors, managers, supervisors, foremen, and work leaders are responsible and accountable for a safe working environment and safe work practices. In addition, it is the responsibility of all employees to consider safe practices in all aspects of planning, design, supply, construction, operation, and administrative work. Departments may have specific policies related to their function dealing with personal protective equipment, work practice controls, decontamination, occupational exposure and accident reporting or testing, and general safety measures, as applicable to each department. Employees must read, understand, and comply with such departmental policies.

SECTION 1304 TUITION REIMBURSEMENT PROGRAM

Advanced education programs are available throughout the region, and the City offers financial support, subject to available funds, to full-time regular employees for approved courses. Tuition reimbursement should not be construed as a commitment from the City to fund an employee's secondary education. Employees must keep in mind that, due to budgeting and department restraints, the City is under no obligation to approve employee requests for tuition reimbursement. Funds allocated shall be divided among those employees making the request in a fair and equitable manner. A course completion grade of "C" or better is required for reimbursement. Courses taken at any accredited college, university, high school, business or technical school, or courses given by a recognized correspondence school may be approved when they are:

1. Related to the employee's present position with the City of Lewiston, and,
2. Required to obtain any license or certification applicable to the employee's present position.

An employee may qualify for a maximum of one thousand (\$1000) dollars of tuition reimbursement per fiscal year plus up to one hundred (\$100) dollars in textbooks. In the event an employee receives assistance under federal or State government legislation or other student aid programs for education, only the difference between actual charges and the amount of other assistance will be eligible for reimbursement under this program.

APPLICATION PROCEDURE

1. A Tuition Reimbursement Request form with any supporting documentation (see # 2 below) must be approved and signed by the Department Director and the Mayor. A separate form is required each fiscal year and should only list courses to be taken during the fiscal year. Forward the completed form, with your Department Director's recommended approval, to Human Resources at least thirty (30) days before the start of classes. Human Resources will verify expected availability of funds and forward to the Mayor for final approval of the Tuition Reimbursement request. All requests are subject to available funds.
2. Courses will be taken on an employee's own time. If a course is to be taken during the day, the employee shall submit a memo with his/her application explaining how the employee will make up any time missed from work. The Department Director may recommend approval or denial of the request at the first level should any absence be expected to result in a negative impact on departmental operation.
3. Following course completion, the employee will submit to the Human Resources Department: (a) a copy of the employee's course grades, (b) a copy of the entire semester tuition charges listed with all courses taken, (c) a list of all fees charged for the courses and any tuition assistance provided - from the institution, and (d) all book receipts. Funds available for reimbursement will be apportioned by the Mayor in a fair and equitable manner until those funds are exhausted for the year.

The Tuition Reimbursement Request form is provided on the City's website or may be obtained from the Human Resources Department.

CHAPTER 14 – HIPAA, ILLNESS, & LIFE-THREATENING, CONTAGIOUS, AND/OR DEBILITATING ILLNESS

SECTION 1401 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The City of Lewiston is committed to ensuring the privacy of all individuals regarding their protected health information (PHI) and follows established procedures as required by federal, state, and local laws and regulations, in the collection, use, disclosure, and maintenance of PHI including but not limited to:

- City-provided emergency medical services (EMS)
- Employee assistance programs (EAPs)
- Employee health and disability insurance programs
- Employee records involving medically-related leave (Sick Leave, FMLA, and worker's compensation)
- Any other employee records that may contain PHI

This policy is promulgated to comply with the federal mandate to protect the privacy of individually identifiable health information and medical records known as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The City of Lewiston reserves the right in its sole discretion to change or modify this policy at any time in the future.

SCOPE

This policy applies to the City of Lewiston and its employees, elected officials, appointed officials, independent or private contractors, student and legal interns, and volunteers.

DEFINITIONS

Authorization: Written permission from an individual for use and disclosure of their PHI for a specific purpose and timeframe. To be valid, an authorization must be signed and dated by the individual.

Breach: Breach means the acquisition, access, use, or disclosure of PHI in a manner not permitted under this policy and law which compromises the security or privacy of the PHI.

City: City of Lewiston, Idaho

CFR: Code of Federal Regulations

Consent: Statutory permission for the City to use and disclose PHI for payment operations. Consent does not generally allow the City to obtain PHI from other parties without authorization from an individual to whom the records pertain.

Covered Entity: Any health plan, healthcare clearinghouse, or healthcare provider, that transmits to the City, or receives from the City, PHI in various forms.

Disclose, Disclosure: To release, transfer, send, or provide access to PHI.

Employees: Any individual performing work on behalf of the City, whether paid or not including, but not limited to, elected officials, appointed officials, independent or private contractors, student and legal interns, and volunteers.

EMS: Emergency Medical Services provided by the City.

HIPAA: Health Insurance Portability and Accountability Act of 1996

Individuals: A person who is the subject of PHI including employees and users of EMS provided by the City.

Internal Use: Collecting, using, disclosing, and maintaining PHI within and between City departments and employees.

Law Enforcement Official: A person who is empowered by law to investigate and/or prosecute violations of the law.

Legal Representative: A person who is legally authorized to act on behalf of an individual for healthcare decisions. A legal representative includes parents or legal guardians of a minor child, a person holding power of attorney, a legally appointed guardian or conservator, or a person appointed by a court of competent jurisdiction, as long as the power granted to the legal representative includes managing the individual's healthcare.

Minimum Necessary: The least amount of disclosure of PHI necessary to achieve the intended purpose of the disclosure.

Notice of Privacy Practices (NPP): The NPP provides information regarding the City's practices in the collection, use, disclosure, and maintenance of PHI and related rights.

OSHA: Occupational Safety and Health Administration of the federal government.

Payment: Funds paid to the City/ for EMS performed by the City or a bill for EMS performed by the City.

Protected Health Information (PHI): Health-related information, in any form, which identifies the individual or provides a reasonable basis by which to identify an individual.

Privacy Officer: Human Resources Department.

Public Health Authority: A government agency that is responsible for public health matters as part of its official duties.

Redacted Information: PHI where the following identifiers have been removed: name, street address, birth date, date service provided, death date, telephone and/or facsimile numbers, electronic mail address, Social Security number, health plan or insurance plan number, vehicle identification number (VIN), vehicle license plate number, photographs, finger or voice prints, or any other unique identifying number, characteristic, or code.

Required by Law: A legal mandate or requirement which is enforceable by a court.

Workforce: Employees, volunteers, trainees, and others who perform work on behalf of the City, whether paid or not and who have access to PHI collected, used, disclosed, and maintained by the City.

RESPONSIBILITIES

Executive/Management: The City Attorney and the Mayor. Duties generally include:

- Establishment of program objectives
- Approval of this privacy policy
- Enforcement of sanctions related to this policy
- Designation of the Privacy Officials

Privacy Officials: The Human Resource Department employees are designated as the Privacy Officials. Duties generally include:

- Answer questions related to this policy
- Development of privacy policies and procedures
- Coordination and implementation of policy throughout City departments
- Oversight of training in HIPAA compliance
- Receiving and processing privacy complaints
- Receiving and processing individual rights requests
- Ensuring retention of HIPAA policies and procedures, complaints, and investigative materials to meet compliance requirements

Employee: Understand and comply with the City's policies regarding the appropriate handling of PHI.

DESIGNATED RECORD SET

Human Resources, Ambulance Billing Division, Executive, Finance, and City Attorney have PHI information within the City of Lewiston and its offices both physical and electronic.

NOTICE OF PRIVACY PRACTICES (NPP)

At the time of hire, employees who in the course of their work may encounter employee or patient PHI, the City shall provide a written Notice of Privacy Practices (NPP) and receive acknowledgment of receipt. At the first billing, the City shall provide a written NPP and receive acknowledgment of receipt from all users of EMS. The NPP provides information regarding the City's practices in the collection, use, disclosure, and maintenance of PHI and their related rights. The City will collect, use, disclose, and maintain PHI only in the performance of authorized human resource functions and billing and payment operations by the Ambulance Billing Division and will do so in the conformance with the contents of this notice and this policy. The City will also provide such notice to any person upon request. The Ambulance Billing Division will make two (2)

attempts to receive acknowledgement of receipt of the NPP from each user of EMS and document such in the individual's medical record.

MINIMUM NECESSARY POLICY

City employees will access, collect, use, disclose, and maintain only the minimum necessary PHI needed to perform any authorized human resource function and to perform billing and payment operations. City employees shall not attempt to access, collect, use, disclose, and maintain more than the minimum necessary PHI needed to perform any authorized human resource function or to perform the billing and payment operations of the City. Any City employee who has questions regarding this section should consult with their supervisor and/or a HIPAA Privacy Officer.

USE AND/OR DISCLOSURE OF PHI

City employees shall not disclose PHI to any other person not employed by the City, or to any outside entity, including for research, marketing sales, or fundraising purpose unless the City is in possession of valid written authorization from the individual in question or the individual's legal representative. All authorizations shall be in writing and shall contain an expiration date and an event for which the authorization is valid. An individual may withdraw authorization at any time by giving the City a written notice of withdrawal or revocation. The City will retain any signed authorization or revocation for six (6) years from the date it was last in effect. Use and disclosure restrictions in this policy also apply to deceased persons for a period of fifty (50) years.

Identity verification: City employees will make a good faith attempt to verify the identity and authority of any person requesting PHI prior to disclosing the information.

Minors' rights: The City will not disclose the PHI of a minor to a parent or custodial or legal guardian without authorization if the EMS provided by the City resulted from a treatment or procedure that did not require parental or guardian within the state they were treated. The City will not disclose the PHI of a minor to a parent or custodial or legal guardian without authorization if the City has a reasonable belief the disclosure of the PHI would endanger the minor.

Non-authorized individuals: The City will generally not disclose PHI to a spouse, friend, family member, adult child, or other persons identified by a patient without signed authorization as provided above. However, the City may disclose PHI that is directly relevant to the involvement of such persons in the patient's care or payment or billing operations for health care. If the patient is present, or is otherwise available prior to the disclosure, and has the capacity to make health care decisions, the City may discuss this information with the family and these other persons if the patient agrees or, when given the opportunity, does not object. The City may also share relevant information with these persons if it can reasonably infer, based on professional judgment and experience, the patient does not object. An individual may specifically restrict any disclosure of PHI.

EXCEPTIONS TO AUTHORIZATION

HIPAA provides for numerous exceptions to authorization. They include the following:

Internal Use: City employees whose job responsibilities include human resource functions, EMS billing and payment operations, or other treatment, payment and healthcare operations will have access to, and may use and disclose to other City employees the minimum necessary PHI needed to effectively conduct their job functions such as human resource functions, EMS billing and payment operations, or other treatment, payment and healthcare operations, except psychotherapy notes.

Authorization from another agency: The City may disclose PHI upon receipt of an authorization from another entity, unless the authorization is incomplete, contains false information, has been revoked, or is expired. The City will rely on the outside entity that obtained the authorization to have requested the

minimum necessary PHI needed. 10.3: Redacted information: The City may disclose redacted PHI where the following identifiers have been removed: name, street address, birth date, date service provided, death date, telephone and/or facsimile numbers, electronic mail address, Social Security number, health plan or insurance plan number, vehicle identification number, vehicle license plate number, photographs, finger or voice prints, or any other unique identifying number, characteristic, or code.

Public health activities: The City may disclose PHI to a public health authority that is authorized to collect, use, disclose, and maintain such information for activities preventing or controlling disease, the reporting of disease, maintaining vital statistics, conducting public health surveillance or interventions, or reporting adverse health events with respect to food or other products.

Domestic abuse, neglect, violence: As required by mandatory reporting laws, the City will disclose the PHI of an individual to the government law enforcement agencies authorized by law to receive such information if the City, or its representative, reasonably believe the individual to be a victim of domestic abuse, neglect, or violence. If the individual is a legal adult; the City will advise the individual the report was made.

Coroners and medical examiners: The City may disclose PHI to a coroner, medical examiner, or funeral director for identifying deceased persons, determining cause of death, or other legally authorized duties.

Fiducial and administrative proceedings: The City may disclose PHI by order of a court or administrative agency of competent jurisdiction. Disclosures in response to court orders will be made in accordance with the policies and procedures of the specific state's laws. The City may also disclose PHI as required by the law of any state.

Inmates of correctional institutions: The City may disclose the PHI of an inmate to a correctional institution or jail having lawful custody of that inmate.

Military personnel: The city may disclose the PHI of any military personnel for activities deemed necessary for military purposes by the appropriate military authority.

Other covered entities: The City may disclose PHI to providers, health plans, and/or healthcare clearinghouses for treatment, billing and payment operations except for psychotherapy notes.

Minors: The City may disclose the PHI of a minor child to the parent or the custodial or legal guardian. If insurance coverage is obtained through a non-custodial parent, the City may disclose to the custodial and non-custodial parent the minimum necessary PHI required to ensure payment for EMS.

INDIVIDUAL RIGHTS

HIPAA provides for numerous individual rights. They include the following:

Right to access/copy: Individuals may request a copy of any of their PHI records created and/or maintained by the City. The request must be in writing and must be signed by the individual. The City may charge a reasonable fee to recover the cost of copying the records.

Right to amend: Individuals have the right to seek amendment or clarification of their PHI created and/or maintained by the City. The City in its sole discretion may amend an individual's PHI if it is demonstrated that those records are inaccurate. In the event the City declines to amend the individual's PHI, the individual has the right to append a written statement to the City's record of the individual's PHI. The request to append a written statement must be in writing and signed by the individual.

Right to restrict use or disclosure: Individuals have the right to request the City restrict the use and/or disclosure of their PHI. However, the City may deny this request if the information is required to perform any

authorized human resource function or EMS billing and payment operations. The request must be in writing and must be signed.

Right to confidential communications: Individuals have the right to request that the City use alternative means or alternative locations when communicating PHI or billing information to the individual. However, the City may deny this request if it interferes with the City's ability to perform any authorized human resource function or EMS billing or payment operations. The request for the use of alternative means or locations must be in writing and signed by the individual.

Right to an accounting of disclosures: Individuals have the right to an accounting of all disclosures the City has made regarding their PHI within the six (6) years prior to the request. The City is not required to account for disclosures made by the City pursuant to a request before the effective date of this policy or to track disclosures made to carry out authorized treatment, payment or healthcare operations. The City may temporarily suspend an individual's right to receive and accounting of disclosures made if the City receives a notice in writing from any duly constituted law enforcement agency stating disclosure would impede law enforcement activities.

Right to file a complaint: Individuals and employees have the right to make a written complaint directly to a Privacy Officer concerning the City's policies and procedures with respect to the collection, use, disclosure, and maintenance of their PHI and/or concerns they have regarding the City's compliance with the policies and procedures in this regard. All complaints shall be in writing, signed by the complainant, and delivered to a Privacy Officer. The Privacy Officers will investigate the complaint and advise the complainant of the results of the investigation. However, any disciplinary actions taken against City employees as a result of the investigation shall be confidential and will not be disclosed to the complainant. The City's Privacy Offices shall be the Human Resources Department or designee at P.O. Box 617, Lewiston, Idaho 83501, (208)746-3671. Individuals and employees also have the right to make a complaint directly to the Secretary of the U.S. Department of Health and Human Services.

For details on filing a complaint go to: www.hhs.gov/ocr/privacy/hipaa/complaints/index.html

Note: Requests may take up to thirty (30) days to process and the results of any request or investigation will be made in writing.

SAFEGUARDS FOR THE PROTECTION OF PHI

The City has established certain safeguards to protect the collection, use, disclosure, and maintenance of PHI within the City's offices. They include the following:

Administrative safeguards: Access to PHI maintained and stored by the City is limited to certain employees and those employees have been trained in the use and disclosure of PHI specific to their job function including the use of phone, facsimile, email, and other electronic or computer disclosure of PHI and verifying the identity of individuals requesting PHI.

Physical safeguards: All City office areas where PHI is maintained have restricted public access by means of locked doors, counters, and other physical barriers, and are monitored by employees during normal business hours. All City-owned buildings containing offices where PHI is maintained are locked during non-business hours. City Hall also has security cameras in specific places to record access to its facility. File cabinets where PHI is maintained are kept locked at all times.

Technical safeguards: Computer access to systems where PHI is maintained is limited to certain employees and is restricted by password protection. Outgoing facsimile transmissions containing PHI are prefaced by a cover sheet that contains a HIPAA warning. Incoming facsimile transmissions to the Ambulance Billing Division are received at a location continually monitored by Ambulance Billing Division personnel during normal business hours. Restricted access to this area is accomplished by employee monitoring and signage.

NOTIFICATION OF BREACH OF PHI

Except for exclusions listed below, in the event of a breach of PHI, as defined by this policy, the City will notify individuals of the breach in accordance with CFR 45 164.404 through 164.412. To the extent Practicable, the City will mitigate any harmful effect that is known to it of a use or disclosure of PHI in violation of its policies and procedures or the requirements of HIPAA by the City or its business associates.

Exclusions: The following are excluded from the notification of a breach of PHI: 1) Any unintentional acquisition, access, or use of PHI by a workforce member or person acting under the authority of the City, if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted by this policy; 2) Any inadvertent disclosure by a person who is authorized to access PHI at the City to another person authorized to access PHI at the City, or organized health care arrangement in which the City participates, and the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under this policy; 3) A disclosure of PHI where the City has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

DOCUMENT RETENTION AND DISPOSAL OF PHI

The City has established certain policies to guide the retention and disposal of documents containing PHI. They include the following:

Retention: Documentation required by HIPAA and this policy will be maintained by the City, in a secure fashion, for six (6) years after the date of the document's creation or the last date action was taken on the document, whichever is later. However, PHI related to employee exposure to communicable diseases will be maintained by the City, in a secure fashion, for thirty (30) years per the requirements of 19 CFR 1910.1020.

Disposal: All PHI will be destroyed in a manner that protects its confidentiality and in accordance with Idaho state law and the City's document destruction policies and procedures unless otherwise in conflict with HIPAA requirements.

WORKFORCE TRAINING

The City shall provide training to employees who are likely to have access to PHI in the course of their duties such as authorized human resource functions and in billing and payment operations for EMS. The training will be as necessary and appropriate for the employees to perform their job responsibilities pursuant to this policy. The training may be in-house or contracted out to a private entity specializing in such training.

BUSINESS ASSOCIATE AGREEMENTS

The HIPAA Rules generally require that covered entities and business associates enter into contracts with their business associates to ensure that the business associates will appropriately safeguard PHI. The City makes every attempt to obtain such agreements and contracts with its business associates.

SANCTIONS

Employees having been investigated and found to have violated this policy will be disciplined in accordance with the City of Lewiston Personnel Policy and/or any applicable collective bargaining agreement to which they are subject.

PROHIBITION OF RETALIATORY ACTS/WAIVER OF RIGHTS

Neither the City nor its employees will intimidate, threaten, coerce, discriminate against or take other retaliatory action against any individual for the exercise by the individual of any right established, or for participation in any process provided for, by this policy, including the filing of a complaint under this section; nor for testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; nor for opposing any act or practice made unlawful HIPAA, provided the individual or person has a good faith

belief that the practice opposed is unlawful, and the manner of opposition is reasonable and does not involve a disclosure of PHI in violation of this policy.

The City will not require individuals to waive their rights to complain to either the HIPAA Privacy Officer or to the Secretary of the U.S. Department of Health and Human Services as a condition of the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits.

SECTION 1402 LIFE THREATENING, CONTAGIOUS, AND/OR DEBILITATING ILLNESSES

The City recognizes that employees with life-threatening, contagious, and/or debilitating illnesses, such as cancer, heart disease, hepatitis, acquired immune deficiency syndrome (AIDS), and other medical conditions, may wish to continue working. The City respects and supports this wish, provided the employee can maintain required performance and attendance standards and the condition does not pose a health or safety threat to the employee, his/her fellow employees, or the general public.

The City recognizes that an employee's health condition generally is a private and personal matter and, consequently, will protect the confidentiality of the situation and any information or documentation relating to it. The City will instruct its employees to do the same to the extent consistent with the City's obligation to the employee, the general public, and the City itself. The City recognizes and retains the right to request medical examinations and/or consultations at the employee's expense, regarding an employee's medical condition.

When management becomes aware of potentially life-threatening, contagious, and/or debilitating conditions, the Human Resources Department should be consulted as soon as possible. The evaluation of the potential challenges that accompany these conditions will be handled on a case-by-case basis and will consider existing medical and scientific evidence. The Human Resources Department will consult with legal counsel regarding the applicable employee and safety-related laws and regulations.

When dealing with situations involving life-threatening, contagious, and/or debilitating illnesses, managers should:

1. Contact the Human Resources Department if there is a concern that the nature of an employee's illness may endanger the employee, fellow employees, or the general public;
2. Contact Human Resources to determine if a statement should be obtained from the employee's attending physician that continued presence at work will pose no danger to the employee, fellow employees, or the general public;
3. Make reasonable accommodations for employees with these illnesses consistent with business needs and the Americans with Disabilities Act, as amended from time-to-time (ADA);
4. Consider transfer of an employee with a life-threatening, contagious, and/or debilitating illness who requests such a transfer. Unless there is objective evidence of an illness and/or disability posing a threat to fellow employees, the City will not transfer other employees out of the work area except by normal practice and procedure;
5. Be sensitive and responsive to fellow employees' concerns and utilize the employee education available through Human Resources;
6. Arrange for any leave time the employee may need, including FMLA

CHAPTER 15 - MISCELLANEOUS

SECTION 1501 RECYCLING AT CITY FACILITIES

It is the policy of the City of Lewiston to promote recycling at City facilities, including City Hall, Bell Building, Police Department, Fire Stations, Community Center, and the Library. Employees will place recyclable materials in appropriate containers provided by the respective departments or the Sanitation Division.

SECTION 1502 INCLEMENT WEATHER

The City of Lewiston recognizes that inclement weather and other emergencies can affect its ability to be open and/or for services to continue. The purpose of this policy is to establish specific guidelines and procedures in the event of inclement weather or other emergency situations.

DEFINITIONS

City: City of Lewiston, Idaho and its employees, departments, and divisions.

Essential employees: Personnel within departments that are needed in order for continued necessary services and public protection. Directors and Chiefs will determine essential personnel for their departments.

Inclement Weather: Severe weather. Examples are significant snowfall that limits the public and employees to safely travel on city roadways or inhibits city staff to clear the roadways, extreme storms involving high winds, lightning, or rain, downed power lines or trees creating an unsafe travel and/or work environment.

Emergency: Events either weather, chemical, or environmental that are serious, possibly unexpected, and dangerous. Examples include power failures, fires, chemical spills, natural disasters, etc.

POLICY

It is the policy of the City to remain open during most periods of inclement weather or emergency events. On occasion, inclement weather or other unforeseen occurrences will prevent normal City operations and necessitate the closing of a City facility or service during a workday. Essential personnel will be maintained in all weather or emergency conditions. However, where extraordinary circumstances warrant, due to weather or other unforeseen business interruption, the City reserves the right to close specific operations and facilities. In the event of inclement weather or emergency the Mayor, or his or her designee, will determine if and what City operations and/or services will be closed. In the event of a closure, prior to the work day or as soon as practical, the department manager or their designee will contact each employee to provide official notice of department closure. Essential personnel will be determined at that time by department heads in conjunction with the Mayor.

- If the facility is closed in advance of the scheduled shift, affected employees can elect to use vacation, comp time, floating holiday, or wellness day for the missed day or can choose to not be paid for the day of closure. Sick Leave will not be allowed to be utilized due to facility closure.
- If the facility is initially open, weather conditions worsen as the day progresses, and then closes early during the work day, the Mayor, or his or her designee, will notify non-essential personnel of any closures. Any affected employees scheduled to work that day will receive regular pay for the remainder of their shift. Employees already scheduled for paid time off (i.e. on vacation, sick leave, compensatory time, etc., including FMLA) will not be paid regular pay.
- If the facility remains open on an adverse weather day or other unforeseeable event, employees who report to work will receive their normal pay for the day. If an employee elects not to work or is unable to come to work (schools or daycare close, road/highway conditions are poor, employee lives outside city limits, etc.) on a facility open day, pay will come from any vacation, comp time, floating holiday, or wellness day for the missed work time. If an employee elects not to work on a given day, normal absence notification rules apply. This decision needs to be determined with the employee's

supervisor's knowledge and approval. If the employee does not have vacation, comp time, wellness day, or floating holiday available to cover this time off, it will be recorded as leave without pay on the timesheet or approval may be given by the department manager to let the employee make the time up during the workweek.

- Time absent from work due to inclement weather or emergency event is not counted as hours worked when computing weekly overtime, unless otherwise stated in an employee's Collective Bargaining Agreement.

Regardless of whether the facility remains open or closed on an inclement weather day, it is each employee's decision to determine if they can safely arrive at work under the conditions. Questions about this policy should be addressed to the department manager or to the Human Resources Department.

SECTION 1503 ELECTRONIC SURVEILLANCE

The City reserves the right to install security cameras in work areas for specific business reasons, such as security, theft protection or protection of proprietary information. The City may find it necessary to monitor work areas with security cameras when there is a specific job or business-related reason to do so. The City will do so only after first ensuring that such action is in compliance with state and federal laws. Employees should not expect privacy in work-related areas. Employee privacy in nonwork areas will be respected to the extent possible. The City's reasonable suspicion of an onsite drug use, physical abuse, theft or similar circumstances would be possible exceptions. Employees should contact their supervisor or the Human Resources Department if they have questions about this policy.

SECTION 1504 EXTERNAL COMMUNICATIONS

Occasionally employees may be contacted by outside sources requesting information about City matters, including information regarding current or former employees, City projects, or other workplace issues. In order to avoid providing inaccurate or incomplete information to outside sources, and the possible negative exposure that may result from providing information about The City to outside sources, any employee asked to comment for or on behalf of The City by any outside source should follow policy as detailed below. Employees violating this policy may be subject to discipline, up to and including termination of employment.

This policy is in no way intended to prohibit an employee from documenting and speaking with outside third parties regarding perceived or alleged unacceptable or illegal working conditions. The policy is also in no way intended to deter any employee from speaking with any individual regarding labor organizing.

MEDIA CONTACTS

The City will respond to media inquiries in a timely and professional manner through a designated spokesperson. If an employee is contacted by the media (e.g., television, radio, or newspaper reporters) to provide a comment on behalf of The City, the employee should only do so when it pertains to their position with the City and they are competent on the subject matter, or as directed by their supervisor. Comments on emergencies and/or crisis incidents should be provided by the appropriate Department Director in conjunction with the PIO, who may then act as the point of contact for all media inquiries. It is recommended that the PIO be consulted prior to making comments to the media, as they can provide assistance in communicating city messaging.

PRESS RELEASES

In an effort to maintain fair access for all media outlets, information provided to the media will be in the form of a press release. Press releases are generally provided from the PIO, however, assigned department personnel may send press releases when appropriate, as needed, and only when the PIO is unavailable. The PIO will maintain a master list of all media contacts for press release distribution.

OUTSIDE ATTORNEYS AND INVESTIGATORS

If an employee is contacted by an outside attorney or investigator regarding City business, including information regarding current or former employees, City projects, or other workplace issues, the employee must inform the outside attorney or investigator that they first need to contact the City Attorney's Office for guidance before speaking with the outside attorney or investigator. The employee must then contact the City Attorney's Office and follow the direction from the City Attorney's Office. Nothing in this policy restricts an employee from discussing their wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

EMPLOYMENT REFERENCES AND VERIFICATIONS

Employees contacted by outside sources requesting an employment reference or employment verification for a current or former employee should not provide any information to the requesting individual or organization. Instead, employees should refer the requesting individual or organization to the Human Resources Department. No employee, other than Human Resources, is authorized to provide employment references or employment verifications for any current or former employee. The City's authorized representative(s) may verify dates of employment and last position held, but will not disclose any other information unless the current or former employee provides written authorization to The City to provide additional detail or unless otherwise required by law.

UNAUTHORIZED AUDIO/VIDEO RECORDING

The State of Idaho is a "one-party" consent state and therefore, generally permits individuals to record conversations so long as one party consents to the recording. However, the City of Lewiston has established that recording or monitoring employee conversations and/or actions has a chilling effect in the workplace and causes discord and distrust among employees.

The purpose of this policy is to encourage and promote candid and honest communications. Unauthorized audio and/or video recording or monitoring of employees is disruptive to employee morale and inconsistent with the respectful treatment the City of Lewiston expects of all employees. For this reason, no employee may record or monitor the conversations and/or actions of another employee without his or her full knowledge and consent.

No employee may record and/or monitor, by any means, the conversations and/or actions of another employee unless all of the following criteria are met:

1. There is a stated legitimate reason for the recording and/or monitoring,
2. The recording and/or monitoring device is in plain view of all parties, and
3. The employee is informed that their conversations and/or actions are being recorded and/or monitored and that the employee may request a copy of any recordings of said conversations and/or actions.

Violation of this policy may result in disciplinary action, up to and including termination. This policy does not apply to criminal investigations being conducted by the Lewiston Police Department. This policy applies to all City of Lewiston officers, employees, interns, and volunteers. Questions relating to this policy may be directed to the City Attorney or Human Resources.

SECTION 1505 BUSINESS EXPENSE REIMBURSEMENT

The City will reimburse employees for reasonable expenses incurred for business purposes including, but not limited to, meals, lodging, and transportation. Mileage driven in a personal automobile for business purposes will be reimbursed at the current IRS-approved rate per mile. All business travel and business purchases must be approved in advance by the employee's Supervisor. Additional information regarding travel and travel reimbursements can be found in the Travel Administrative Policy.

SECTION 1506 USE OF COMMUNICATIONS AND COMPUTER SYSTEMS

City-provided portable communication devices (PCDs), including cell phones, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles.

The City's communication and computer systems are intended primarily for business purposes; however, limited personal usage is permitted if it does not hinder performance of job duties or violate any other City policy. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of The City's systems.

The City may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when The City deems it appropriate to do so. The reasons for which The City may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

Further, The City may review Internet usage to ensure that such use with City property, or communications sent via the Internet with City property, are appropriate. The reasons for which The City may review employees' use of the Internet with City property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

The City may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The City's policies prohibiting harassment, in their entirety, apply to the use of City's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since The City's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords. Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

For additional information see the Use of Personal Devices for City Business Administrative Policy and the Acceptable Use and Device Administrative Policy. Violators of these policies may be subject to disciplinary action, up to and including discharge.

SECTION 1507 SAFETY PROGRAM

The City is committed to providing and maintaining a healthy and safe work environment for all employees. Every department will receive a copy of The Safety Manual and will receive health and safety training.

You are required to know and comply with The City's Safety Manual and to follow safe and healthy work practices at all times. You may be subject to discipline for engaging in any unsafe or unhealthy work practice or for violating established safety rules. You also are required to report immediately to your supervisor any potential health or safety hazards, and all injuries or accidents. First aid supplies are located in each City building.

SECTION 1508 SAVING CLAUSE

If any section, subsection, paragraph, sentence, or phrase is found by a court to be invalid or unconstitutional, such findings shall not affect the remainder of this Policy.

Memo

To: Mayor Johnson
Lewiston City Council

From: Dustin Johnson, PE, Public Works Director

Copy: Haley Kelley, Public Works Specialist

Date: September 22, 2023

Subject: **Clearwater Composting - Overview**

Approved by City Council on March 10, 2014, Resolution 2014-11 consists of two agreements between the City and Latah Sanitation, Inc. (Clearwater Composting) for composting of biosolids and yard waste.

The service fees for both agreements include all of Clearwater Composting's direct costs, indirect costs, plus profit or return of providing services. Service fees are adjusted by the annual percentage change in the consumer price index (CPI) and become effective July 1st. The agreements state that the City will calculate the increase or decrease in the service fee during this annual adjustment process, however, it appears that this adjustment has always originated from Clearwater Composting with a letter sent to the City each May/June.

Both of these agreements will terminate December 31, 2024 unless the City provides a written notice of its desire to extend the contract an additional five (5) years to Clearwater Composting on or before December 31, 2023.

Biosolids Agreement

The City's Wastewater Division transports biosolids generated by the Wastewater Treatment Plant to Clearwater Composting's facility four to five days each week. Clearwater Composting processes the dewatered biosolids delivered by the Wastewater Division at fourteen percent (14%) to sixteen percent (16%) dry solids (City of Lewiston Biosolids Contract 2014, 3).

The Biosolids Agreement contains a single fee for composting of biosolids per wet ton weight (City of Lewiston Biosolids Contract 2014, 13). The City's average cost for biosolids composting services is approximately \$162,000 per year based on historical tonnage and expense data (Table I).

Fiscal Year	Tonnage	Cost
2017	3,060.70	\$154,681.20
2018	2,672.87	\$137,412.46
2019	3,424.72	\$179,000.00
2020	3,096.32	\$163,981.31
2021	2,888.02	\$151,665.59
2022	3,258.78	\$173,295.83
2023	3,045.54	\$173,898.92
TOTAL	21,446.96	\$1,133,935.31

Annual adjustments, with the exception of service fees from July 1, 2021 to June 30, 2022, to service fees have been increases ranging from one and a half percent (1.5%) to six percent (6%).

The expense history for biosolid composting services (Table I) is based on the actual invoices billed to the City; service fees from July 1, 2020 to June 30, 2022 invoiced to the City did not match the service fee rate outlined in the annual adjustment letter issued to the City (Table 2).

¹ Fiscal Year 2023 data is based on actual expenses from October 2022 to August 2023. Estimates for September 2023 services have been based on average tonnage and average cost per month.

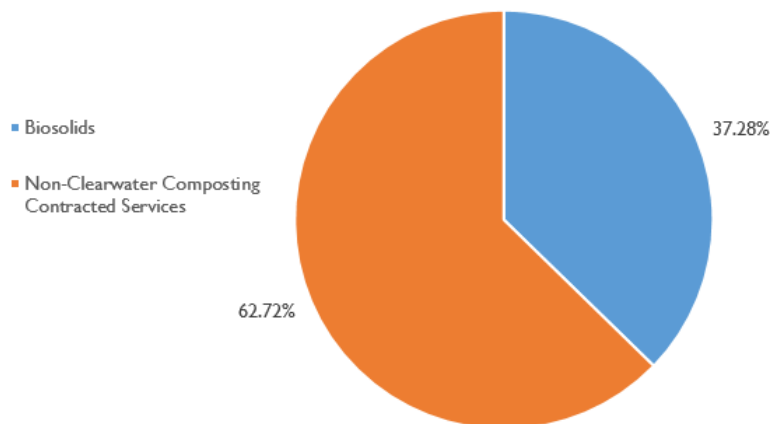
	FY 2023		FY 2022		FY 2021		FY 2020		FY 2019		FY 2018		FY 2017	
	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate
Oct	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Nov	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Dec	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Jan	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Feb	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Mar	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Apr	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
May	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Jun	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26	\$50.32	\$50.32
Jul	\$59.50	\$59.50	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26
Aug	\$59.50	\$59.50	\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	No Invoice	\$52.96	\$52.96	\$52.10	\$52.10	\$51.26	\$51.26
Sep			\$56.47	\$56.47	\$53.30	\$52.34	\$53.72	\$52.96	\$52.93	\$52.96	\$52.10	No Invoice	\$51.26	\$51.26

Annual adjustment effective July 1st

Difference in service fee rate

Each year, the Wastewater Utility budgets for biosolids composting services with Clearwater Composting within the Wastewater Treatment Plant Contracted Services budget. In Fiscal Year 2023, the budgeted expense for biosolids composting services was \$180,000 out of the \$482,800 revised Contracted Services budget for Fiscal Year 2023 (Figure 1).

Figure 1 - FY23 Wastewater Treatment Plant Contracted Services Budget



Yard Waste Agreement

Clearwater Composting accepts all clean yard waste including grass clippings, tree trimmings, Christmas trees, hay, straw, manure, and garden waste from the City, City Contractor (Sunshine Disposal & Recycling, Inc.), and individual self-haulers (City of Lewiston Yard Waste Contract 2014, 2).

The Yard Waste Agreement includes the following service fees: City Contractor haul fee, self-haul fee, gate fee, and annual bag removal fee. The City's average cost for yard waste composting services is approximately \$486,000 per year based on historical tonnage and expense data from Fiscal Year 2017 to 2023.

Annual adjustments, with the exception of service fees from July 1, 2021 to June 30, 2022, to service fees have been increases ranging from two percent (2%) to six percent (6%).

The expense history for composting services is based on the actual invoices billed to the City; City Contractor haul fee and the self-haul fee from July 1, 2020 to June 30, 2022 invoiced to the City did not match the service fee rate outlined in the annual adjustment letter issued to the City (Table 3).

Table 3 - City Contractor Haul and Self-Haul Service Fee History for Yard Waste Composting

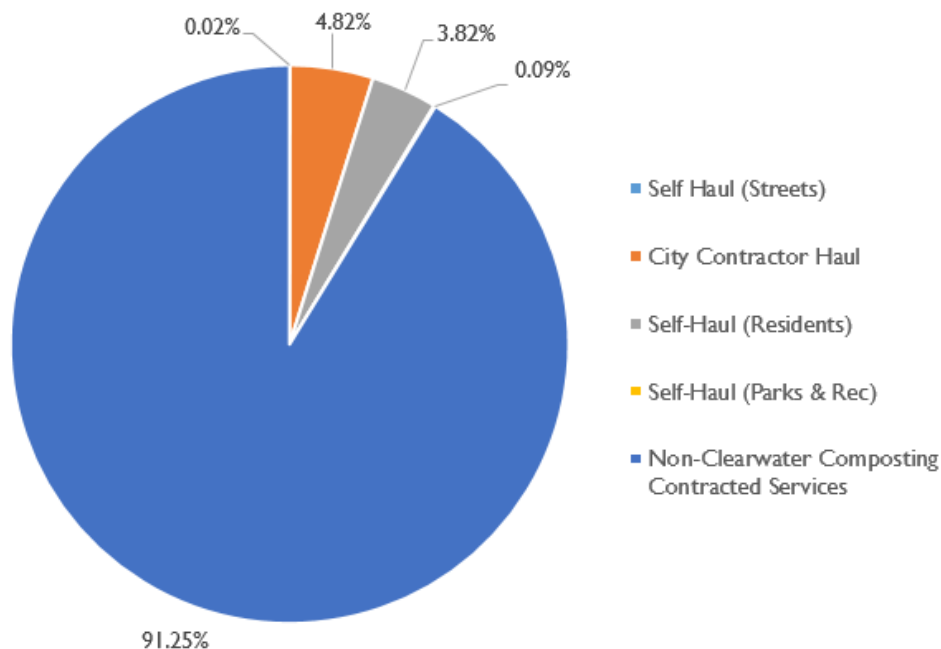
	FY 2023		FY 2022		FY 2021		FY 2020		FY 2019		FY 2018		FY 2017	
	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate	Annual Adjustment Rate	Invoiced Rate
Oct	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Nov	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Dec	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Jan	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Feb	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Mar	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Apr	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
May	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Jun	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.21	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22	\$45.38	\$45.38
Jul	\$53.67	\$53.67	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22
Aug	\$53.67	\$53.67	\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22
Sep			\$50.94	\$50.94	\$48.08	\$47.21	\$48.83	\$47.75	\$47.75	\$47.75	\$46.97	\$46.97	\$46.22	\$46.22

Annual adjustment effective July 1st

Difference in service fee rate

Each year, the Sanitation Utility budgets for yard waste composting services with Clearwater Composting within the Sanitation Administration Contracted Services budget. In Fiscal Year 2023, the budgeted expense for Yard Waste Composting services was \$534,100 out of the \$5,751,640 Contracted Services budget appropriated for Fiscal Year 2023 (Figure 2).

Figure 2 - FY23 Sanitation Administration Contracted Services Budget



City Contractor Haul

The City contracts with Sunshine Disposal & Recycling, Inc. (SDI) for curbside solid waste collection services and is the designated “City Contractor” referenced in the agreement. SDI transports the food waste, food-soiled paper, and yard debris collected from the 48 gallon and 96 gallon curbside yard waste carts to Clearwater Composting Monday through Friday, from March to December with service on the first garbage collection day of the month in January and February.

The City pays SDI for monthly curbside collection services – this expense is separate from the City Contractor haul service fee paid to Clearwater Composting. The total cost for the City Contractor haul fee for yard waste composting services is approximately \$253,000 per year based on historical tonnage and expense data (Table 4).

Table 4 – City Contractor Haul Tonnage and Expense History ²		
Fiscal Year	Tonnage	Cost
2017	4,411.25	\$201,271.22
2018	4,636.99	\$214,926.30
2019	5,343.11	\$252,255.37
2020	5,851.57	\$279,412.71
2021	5,408.00	\$256,095.37
2022	5,991.79	\$289,169.33
2023	5,367.90	\$277,448.07
TOTAL	37,010.62	\$1,770,578.37

Self-Haul – Street Maintenance Division

The City’s Street Maintenance Division transports vegetation (excluding leaf litter from fall cleanup) gathered from the public right-of-way including tree trimming from routine work and downed trees and/or branches a dozen times each month depending on the season.

The total cost for the Streets Maintenance Division’s self-haul fees for yard waste composting services is approximately \$1,500 per year based on historical tonnage and expense data (Table 5).

Table 5 – Self-Haul (Streets) Tonnage and Expense History ²		
Fiscal Year	Tonnage	Cost
2017	9.11	\$417.35
2018	52.31	\$2,450.80
2019	30.97	\$1,457.10
2020	50.31	\$2,402.41
2021	39.08	\$1,847.12
2022	20.69	\$996.78
2023	20.72	\$1,072.83
TOTAL	223.19	\$10,644.39

Self-Haul – Parks & Recreation Department

The City’s Parks & Recreation Department utilizes a majority of the yard waste collected during routine maintenance back into the parks themselves - fall leaves in turf areas are repurposed as mulch and tree trimmings are chipped by the City Arborist and used at Modie Park – while the remainder are hauled from April to October. Fall leaf litter from parking lots and smaller parks are hauled two to three times per week while springtime haul of oak tree leaves and grass clippings occur weekly and biweekly, respectively.

The total cost for the Parks and Recreation Department’s self-haul fees for yard waste composting services is approximately \$4,600 per year based on historical tonnage and expense data (Table 6).

Table 6 – Self-Haul (Parks & Rec) Tonnage and Expense History ²		
Fiscal Year	Tonnage	Cost
2017	70.11	\$3,203.47
2018	119.47	\$5,521.74
2019	76.29	\$3,604.14
2020	199.52	\$9,527.08
2021	57.94	\$2,737.65
2022	56.98	\$2,775.78
2023	99.42	\$5,103.93
TOTAL	679.73	\$32,473.79

Self-Haul – Lewiston Residents

“Individual Self-Haulers” are City of Lewiston residents that independently transport their yard waste and, upon presenting their utility bill or tax assessment as verification of their residence, shall not be charged a self-haul or gate fee (Table 7).

Beginning in April 2021, Clearwater Composting began to bill the City for individual self-haul services for Lewiston Residents and Nez Perce County Residents. The City currently pays the total monthly cost for services and

Table 7 – Individual Self-Hauler Rate Schedule		
Fiscal Year	Rate Per Ton ³	Gate Fee Per Vehicle
2017	\$46.22	\$1.10
2018	\$46.97	\$1.12
2019	\$47.75	\$1.14
2020	\$48.83	\$1.16
2021	\$48.08	\$1.14
2022	\$50.94	\$1.21
2023	\$53.67	\$1.27

² Fiscal Year 2023 data is based on actual expenses from October 2022 to August 2023. Estimate for September 2023 services have been based on average tonnage and average cost per month.

³ Rate for City Contractor haul and self-haul yard waste composting fees per annual adjustment letter.

includes the Nez Perce County Residents individual self-haul expense as a line item on the monthly shared solid waste services reimbursement request to Nez Perce County.

The total cost for the Lewiston Resident individual self-haul fees for yard waste composting services is approximately \$227,000 per year based on historical data (Table 8).

Table 8 – Self-Haul (City Residents <u>ONLY</u>) Vehicles, Tonnage, and Expense History ⁴			
Fiscal Year	Vehicles	Tonnage	Cost ⁵
2017	28,813	4,764.92	\$256,888.58
2018	31,021	4,772.12	\$263,757.79
2019	27,304	3,838.97	\$220,387.75
2020	26,509	4,478.76	\$253,130.49
2021	18,192	3,218.14	\$173,256.54
2022	17,709	3,365.00	\$202,927.87
2023	19,730	3,794.69	\$219,827.17
TOTAL	169,278	28,502.43	\$1,590,176.19

⁴ Fiscal Year 2023 data is based on actual expenses from October 2022 to August 2023. Estimates for September 2023 services have been based on average tonnage and average cost per month.

⁵ Includes self-haul service fee and gate fee (Table 7).

RESOLUTION 2014-11

A RESOLUTION APPROVING TWO AGREEMENTS BETWEEN THE CITY OF LEWISTON, AN IDAHO MUNICIPAL CORPORATION, AND LATAH SANITATION, INC., AN IDAHO CORPORATION, FOR THE PROVISION OF COMPOSTING OF BIOSOLIDS AND YARD WASTE; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That two Agreements between the City of Lewiston and Latah Sanitation Inc., for the provision of composting biosolids and yard waste for the City of Lewiston are hereby approved and copies are attached and by this reference made a part of this resolution.

SECTION 2: That the Mayor and City Clerk are hereby authorized to execute and attest, respectively, said Agreements.

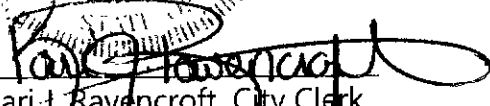
SECTION 3: That this resolution shall take effect and be in force from and after its passage and approval.

DATED this 24th day of February 2014.

CITY OF LEWISTON

By: 
James Kleeburg, Mayor

ATTEST:


Kari J. Ravencroft, City Clerk

2014 LEWISTON BIOSOLIDS CONTRACT

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BIOSOLIDS CONTRACT

This Contract, entered into this 27th day of February 2014, by and between the CITY OF LEWISTON, a municipal corporation of the State of Idaho, hereinafter "CITY," and LATAH SANITATION, INC., hereinafter "CONTRACTOR."

An open and competitive process to procure this Contract has been completed. Prior to the issuance of requests for proposals, the CITY established objective criteria to be used in evaluating and selecting the preferred applicant, including experience in management and comparable projects, references, safety, ability to procure insurance, technical proposals, including, organics processing and marketing, transportation and disposal facilities, customer service and public education, litigation and regulatory compliance including demonstrating ability to track and comply with changes in law, community involvement and financial stability, including ability to finance, strength of company, and reasonableness of costs. Several proposals were submitted. CITY reviewed the proposals and made such investigations as it deemed necessary and appropriate to ensure that cost effective, quality service be provided to CITY. CITY awards this Contract based upon the level of service proposed, historical evidence as to the quality of service, documentation submitted and the results of the review process.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Contract and for other good and valuable consideration, the CITY and CONTRACTOR agree as follows:

SECTION 1: PERFORMANCE

CONTRACTOR hereby agrees to accept all biosolids generated by CITY'S wastewater treatment facility.

CITY shall direct all biosolids to the site designated by CONTRACTOR.

CITY and CONTRACTOR shall comply with all applicable provisions of 40 CFR Part 503 and all other applicable federal, state and local regulations with respect to the generation, handling, storage, transportation, disposal and sale or use of biosolids and composted biosolids final product.

CITY and CONTRACTOR shall comply with all other applicable Federal, State, and local statutes, rules, regulations and ordinances in the operation of their respective sites and facilities and shall not cause or create any violations at those sites.

CONTRACTOR shall be responsible for the operations of the site designated for accepting biosolids, including the onsite inspection, sorting, acceptance or rejection of

biosolids, in accordance with all applicable statutes and regulations of all governmental regulatory agencies. CITY will perform quarterly inspections of the designated site as provided in the CFR 40 Part 503.

CONTRACTOR agrees to process all of CITY's dewatered biosolids received from the CITY at fourteen (14%) to sixteen (16%) percent dry solids.

CONTRACTOR shall comply with the specific performance requirements and provisions as set forth in this section applicable to the handling and processing of CITY and its participating Comminglers Biosolids at CONTRACTOR'S facility.

CONTRACTOR shall operate its composting facility in accordance with a Non-Municipal Solid Waste Operation Plan (IDAPA 58.01.06) approved by the North Central District Health Department.

CONTRACTOR shall operate its composting facility in accordance with an Operating and Odor Control Plan approved by the North Central District Health Department. (See, Appendix B, attached; Odor Control Plan is detailed in the Operations Plan, Appendix A, approved by NCDHD).

CITY and CONTRACTOR are required to provide biosolids sample results utilizing sampling methods contained in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, pursuant to the requirements of 40 CFR Part 503. For those parameters that are required to be tested, but do not appear in the SW-846 Test Methods, testing shall be conducted using 40 CFR Part 136 approved methods.

SECTION 2: TERM OF CONTRACT

TERM: The Term of this Contract shall commence July 1, 2014, and terminate December 31, 2024. The term of the Contract shall be for ten (10) years. On or before December 31, 2023, in its sole discretion, CITY may provide written notice of its desire to extend the Contract for an additional five (5) years until December 31, 2029. Before December 31, 2028, in its sole discretion, CITY may provide written notice of its desire to extend the Contract for another additional five (5) years until December 31, 2034. No further extensions shall be permitted. Any written notice required by this Contract shall be served by certified or registered mail, return receipt requested.

ORDINARY AND NECESSARY EXPENSE

These essential services are ordinary and necessary for health, safety and welfare of the citizens of the City of Lewiston.

SECTION 3: PERFORMANCE BOND/LETTER OF CREDIT

CONTRACTOR shall furnish security or a letter of credit for the faithful performance of this Contract for the contract year 2014, and for each subsequent year. Such security or letter of credit shall cover all services provided to CITY and shall be in an amount of seventy-five thousand (\$75,000) dollars. Said security or letter of credit shall be furnished on return of the executed Contract to CITY and shall indemnify CITY against any failure of CONTRACTOR to perform this Contract. The total liability of CONTRACTOR for failure to perform shall not exceed the total of the Performance Bond.

All bonds required hereunder may be combined with the bonds provided under the Yard Waste Contract.

SECTION 4: INSURANCE

A Certificate(s) of insurance acceptable to CITY shall be filed with the City Clerk prior to commencement of the Contract. Said Certificate(s) shall contain a provision that coverage afforded under the policies will not be cancelled unless at least thirty (30) days prior written notice has been given to CITY. Only CITY'S form of Certificate of Insurance shall be accepted.

During the term of this Contract, CONTRACTOR shall procure and maintain liability and worker's compensation insurance at their own expense in an amount and as specified below. All policies shall list CITY as an additional named insured. Liability insurance required under this Contract may be combined with insurance provided under the Yard Waste Contract.

GENERAL PUBLIC LIABILITY AND PROPERTY DAMAGE: CONTRACTOR'S shall maintain Comprehensive General Public Liability and Property Damage Insurance, including vehicle coverage, protecting it from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under this Contract, including any performance of subcontractors or anyone directly or indirectly employed by CONTRACTOR or by a subcontractor.

Any injury and/or damage caused to public or private properties by CONTRACTOR shall be the sole responsibility of CONTRACTOR and shall be repaired or replaced in a time and manner approved by CITY. If such injury and/or damage is not corrected within the time or in the manner approved by CITY, CITY may choose to have such injury and/or damage corrected and the cost for correction shall be charged to the CONTRACTOR. Insurance shall be written with a limit of liability of not less than two hundred fifty thousand (\$250,000) dollars for property damage sustained by a single person in any

single incident. A limit of liability of not less than two hundred fifty thousand (\$250,000) dollars aggregate for any damage sustained by two or more persons in any single incident.

BODILY INJURY: General liability and comprehensive insurance shall be maintained with a policy limit of not less than five hundred thousand (\$500,000) dollars for bodily injury, including death, for any incident involving one person. A limit of liability of not less than five hundred thousand (\$500,000) dollars aggregate for any single incident involving two or more persons. CONTRACTOR shall also carry excess liability or umbrella liability coverage of at least one million (\$1,000,000) dollars with CITY listed as a named insured. This comprehensive general public liability and property damage insurance shall be an "occurrence" or "open ended" type policy protecting the public and CITY after termination of premium payments.

WORKERS' COMPENSATION: During the term of this Contract, CONTRACTOR shall procure and maintain, at its own expense, Workers' Compensation Insurance, including occupational disease provisions, which complies with Idaho law, for all of CONTRACTOR'S employees and shall require each subcontractor to provide Workers' Compensation Insurance, including occupational disease provisions for all of subcontractor's employees unless such employees are covered by CONTRACTOR'S Workers' Compensation policy. In case there are any employees engaged in hazardous work under this Contract and are not covered by Workers' Compensation Insurance, CONTRACTOR and each subcontractor shall provide adequate and suitable insurance for the protection of those employees. Proof of such coverage shall be provided to CITY.

SECTION 5: INDEMNIFICATION

CONTRACTOR shall indemnify and hold CITY and its agents and employees harmless from and against all claims, damages, losses, expenses, penalties and/or fines, including attorney's fees and costs arising out of or resulting from CONTRACTOR'S performance of the Contract, attributable to negligent or willful acts or omissions, including violation of any permit by CONTRACTOR and/or any subcontractor or any employee or agent of CONTRACTOR or a subcontractor.

SECTION 6: OPERATION

During the term of this Contract, CONTRACTOR shall provide sufficient personnel and equipment to meet the requirements of this Contract. Operation shall be seven days a week to meet the CITY'S yard waste disposal needs. Hours of operation shall be 8:00 a.m. to 4:30 p.m. Operation days and hours shall coincide with CITY'S Solid Waste Transfer Station operation hours. CONTRACTOR shall not be required to operate on the following holidays:

City of Lewiston
Biosolids Contract - 2014

New Year's Day Thanksgiving Day Independence Day
Memorial Day Christmas Day Labor Day

Should CONTRACTOR elect to operate on one or more of the above holidays, CONTRACTOR shall notify CITY thirty (30) days in advance of the holiday.

CONTRACTOR shall maintain a local telephone number and a contact employee or agent. CONTRACTOR shall provide name, telephone number(s), and address to the CITY. In addition, CONTRACTOR shall provide a telephone number for 24/7 emergency contact.

CONTRACTOR retains the right to be flexible, amending operating stratums as needed to ensure maximum efficiency, a quality product and trying new operational methods. From time to time, CONTRACTOR may amend Operations Plan with Public Health – North Central District Health Department to reflect significant operational changes.

CUSTOMER SERVICE: CONTRACTOR shall provide two (2) phone lines during the transition phase of the program as well as during ongoing operations.

EDUCATION: CONTRACTOR shall provide an ongoing public education program consisting of the following.

1. Working with existing media outlets to promote composting.
2. Providing composting information at community events.
3. Working with and making presentations to civic organizations to promote composting.
4. Providing tours of the new composting facility.
5. Providing composting information to area schools.
6. Generating displays that can be set up at various public buildings such as libraries, governmental entities and schools.
7. Developing information brochures that can be distributed throughout the community including businesses and public buildings.
8. Providing community workshops in conjunction with public or civic groups on backyard and worm composting.

SECTION 7: SITE

At its expense, and in accordance with Federal, State, county and municipal codes, CONTRACTOR shall provide a disposal site and all site improvements including site

grading, electrical, telephone, water, sewer, or septic tank, and adequate ingress and egress. The CONTRACTOR shall be responsible for site security and site maintenance, including weed and litter control.

Any future supplemental land application or disposal site shall be included by addendum to this Contract.

SECTION 8: RECORDS – DISPOSAL RECEIPT

CONTRACTOR shall be responsible for all record keeping at the designated site.

CONTRACTOR shall maintain a record of all biosolid waste received. All vehicles shall be weighed in and out and a disposal receipt generated. The weight ticket shall include the following information: Name, Date and Gross, tare and net weight.

CITY is required to submit an Annual Biosolids Report to the EPA in February of each year. On or before January 15th of each contract year, CONTRACTOR shall submit all records necessary for CITY to complete the report. Such annual report shall cover site activities during the previous year and shall include the following information:

- Name and address of the facility.
- Calendar year covered by the report.
- Annual quantities of municipal wastewater biosolids and bulking agent processed and composted biosolids product produced.
- Results of required monitoring.

SECTION 9: PAYMENT

CONTRACTOR shall provide CITY a monthly billing statement indicating the total monthly volume and payment amount due. The monthly statement shall be accompanied with a record of the individual disposal receipts required by Section 8. Each billing must be submitted to CITY by the tenth day of the month for timely processing CITY. False or altered disposal receipts shall be cause for Contract termination within the provisions of Section 13, Failure to Perform.

SECTION 10: MODIFICATION TO FEES

In conformance with any applicable City Code or other law, City will adjust fees as soon as practicable in the case of any of the following events:

CHANGES IN SCOPE OF SERVICE. By providing notice to the other party, CITY or CONTRACTOR may request to change or modify services, or add new composting services directly related to services provided by CONTRACTOR. CITY and CONTRACTOR

will use reasonable business efforts to review and comment on, and approve or disapprove the proposal within thirty (30) days of receipt of notice. CITY and CONTRACTOR may mutually agree to extend the time period for review due to the complexity of the scope of service modification under consideration, the time needed for the review or approval, or other reasonable justifications. Nothing in the Contract shall prohibit CITY from securing additional services not directly related to services provided by CONTRACTOR from other providers.

At the request of CITY, CONTRACTOR shall promptly provide operating and business records that are reasonably required to verify the soundness and accuracy of the impacts associated with a change in scope of services. CONTRACTOR shall fully cooperate with the CITY'S request and provide CITY and its agent(s) copies of or access to CONTRACTOR'S records.

This Contract shall be amended to incorporate any modification or additional services agreed upon by the parties.

UNCONTROLLABLE CIRCUMSTANCES.

Uncontrollable circumstances, including changes in the applicable law, are those which increase CONTRACTOR'S cost of providing services in a manner and to such an extent that the cost changes could not be reasonably anticipated. Insurance that is required by this Agreement shall be applied to mitigate uncontrollable costs. The annual service fee adjustments set forth below shall be used to adjust all other cost increases.

ANNUAL SERVICE FEE ADJUSTMENTS. Beginning April 2015 and in April of each succeeding Contract year, CITY will calculate the increase or decrease in the service fee effective for the next contract year commencing July 1, in accordance with the provisions of this section. The service fee includes all CONTRACTOR'S direct costs, indirect costs, plus profit or return of providing services.

Annual service fee shall be adjusted by one hundred (100%) percent of the annual percentage change in the C-CPI-U. The service fee includes all CONTRACTOR'S direct costs, indirect costs, plus profit or return of providing services.

CONTRACTOR acknowledges that it shall have no right to an increase in service fees except in the events described in this subsection.

DEFINITIONS

Annual Percentage Change: the annual index value for the Index Year preceding the calculation of adjusted Service Fee (*Index Year 2*), minus the annual index value for the

next preceding Index Year (*Index Year 1*), divided by the annual index figure for the next preceding Index Year (*Index Year 1*).

C-CPI-U: the chained consumer price index Series ID SUUR0000SA0L1E, U.S. CITY Average, all items less food & energy (not seasonally adjusted), Base Period DECEMBER 1999=100, as published by the U.S. Department of Labor / Bureau of Labor Statistics.

Index Year: is April 1 through March 31. (*For purposes of examples Index Year 1 means April 1, 2012 through March 31, 2013. Index Year 2 means April 1, 2013 through March 31, 2014.*)

The parties agree that interim/preliminary indexes shall be considered final indexes for the purpose of annual CONTRACTOR payment adjustments, and both parties agree not to pursue any further CONTRACTOR payment adjustments based on any revision of interim/preliminary indexes.

SECTION 11: SCALES

On the effective date of this Contract, CONTRACTOR shall have in operation a sixty (60') foot scale. Said scale shall be certified annually on or before the contract effective date, and shall be used to weigh the CITY'S commingler's biosolids disposal vehicles.

SECTION 12: FAILURE TO PERFORM

Except in the event of Acts of God, should CONTRACTOR fail to perform any duties required by this Contract, CITY may provide written notification to CONTRACTOR of such failure, detailing the nature of the failure. CONTRACTOR shall initiate corrective measures within twenty-four (24) hours of such notification and completely correct any failure within ninety days (90) of notification.

If CONTRACTOR does not correct a failure to perform within the time limits set out above, or fails to provide a reason for noncompliance to the satisfaction of the CITY, CITY may declare CONTRACTOR in default of this Contract and notify CONTRACTOR to discontinue any further service under this Contract. A copy of said notice shall be sent to CONTRACTOR and the surety for CONTRACTOR'S performance bond. Upon receipt of such notice, CONTRACTOR agrees that it shall promptly discontinue work. Within ten (10) days of receipt of notification of non-performance, Surety may, at its option, assume the work which CITY has ordered discontinued and proceed to perform the Contract with a firm or contractor acceptable to CITY. Surety shall be solely responsible for the cost of continuing work in compliance with the terms and conditions of this Contract. Pending consideration by the Surety of the option to assume CONTRACTOR'S work, CITY may perform the work and employ such force as it may deem necessary to continue the work. The cost of all labor and materials necessary for such work shall be

paid by CITY out of the monies then due CONTRACTOR or any other funds which may be future payments to CONTRACTOR, including collection on the letter of credit.

In the event that the Surety fails to exercise its option within the ten (10) day period, either by day labor, or by relenting the same, CITY may complete the work or any part thereof, either by employing such force as it may deem necessary to continue the work, or by relenting the same. Should CITY choose to perform the work, CITY may procure vehicles, equipment and facilities necessary for the completion of the work. The cost of all labor, materials and reasonable costs necessary for such work shall be paid by CITY out of the monies then due CONTRACTOR or any other funds which may be future payments to CONTRACTOR, including the letter of credit.

CITY shall be entitled to recover from CONTRACTOR and its Surety, as damages, all expenses incurred, including reasonable attorney fees, any further damages as CITY may incur together with such additional sums as may be necessary to complete the work up to a maximum of seventy-five thousand (\$75,000) dollars.

Notwithstanding the provisions of this section, a delay or interruption in the performance of all or any part of the contract resulting from Acts of God beyond CONTRACTOR'S control, shall not be deemed to be a default of the Contract and the rights and remedies of CITY provided for herein shall be inapplicable.

SECTION 13: NOTIFICATION OF SHUTDOWN

CONTRACTOR will be required to notify CITY in writing of any anticipated shutdown of its operation at least seventy-two (72) hours in advance. The notice shall be given to the Water and Wastewater Division Manager or his designee. CONTRACTOR shall immediately notify CITY of any emergency requiring shutdown of operations. All such notifications shall be made orally to the Water and Wastewater Division Manager or his designee and confirmed in writing.

CITY will be required to notify CONTRACTOR in writing of any anticipated shutdown of its operations at least seventy-two (72) hours in advance. CITY shall immediately notify the CONTRACTOR of any emergency requiring shutdown of operations. All such notifications shall be made orally to the CONTRACTOR and confirmed in writing to:

Latah Sanitation, Inc.
P.O. Box 8036
Moscow, Idaho 83843
(208) 882-5724

A local address and telephone number will be provided after the plant is in operation in Lewiston. Either party may change its address at any time upon written notice to the other party.

SECTION 14: REGULATIONS

CONTRACTOR shall keep itself fully informed of all existing and proposed federal, state, county and municipal laws, court or administrative rulings, ordinances, permits and regulations which affect those engaged or employed in the type of work covered by this Contract. CONTRACTOR shall at all times observe and comply with and shall cause all its agents and employees to observe and comply with applicable laws, ordinances, permits, regulations, orders or decrees, and, shall protect and indemnify CITY and all its officers, agents and employees, against any claim, loss or liability, arising or resulting from violation of any such laws, ordinances, permits, rules, regulations, order or decrees, whether by itself or by its agents or employees.

If any discrepancy or inconsistency is discovered in the contract documents for work in the relation to such laws, ordinances, permits, rules, regulations, orders or decrees, CONTRACTOR shall immediately report the violation to the CITY. Should CITY be made aware of any violation, CITY will immediately notify CONTRACTOR.

SECTION 15: ASSIGNMENT OF CONTRACT

This Contract may not be assigned in whole or in part except upon the written consent of the CITY Council. Any assignment shall be subject to approval by the City Council. Such approval shall not be unreasonably withheld.

SECTION 16: ASSOCIATION

Nothing in the contract is intended to, or shall be deemed to, constitute a partnership, association, or joint venture by CONTRACTOR and CITY.

SECTION 17: TAXES

CONTRACTOR shall be responsible for the payment of all federal, state, local or other taxes applicable to its property and operations.

SECTION 18: ACCESS TO CONTRACTOR'S FACILITIES

At all times during the term of this Contract, authorized CITY personnel and state and federal regulatory personnel shall have access to CONTRACTOR'S facilities for purposes of inspection and monitoring as required by CITY, state, and federal regulatory agencies.

SECTION 19: SIGNING AND SITE CONTROL

CONTRACTOR shall be responsible for all on-site directional and informational signing. All new and existing signs shall conform to CITY standards and shall be approved by CITY prior to installation.

SECTION 20: DISPUTE RESOLUTION

All disputes between CONTRACTOR and CITY shall be subject to mediation under Idaho Code §§ 9-801-814. Either party may demand mediation by serving a written notice stating the essential nature of the dispute and demanding that the mediation proceed within sixty (60) days of service of notice.

SECTION 21: AMENDMENT

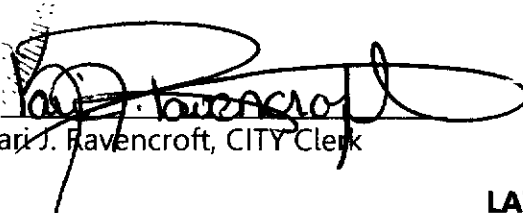
This agreement may be amended by mutual consent of the parties. Any amendments shall be made in writing and executed by both parties

By the signatures of their duly elected officials, the parties cause this Contract to be executed on the date first written above.

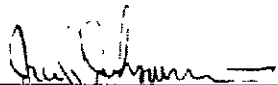
CITY OF LEWISTON, IDAHO

By: 
James Kleeburg, Mayor

ATTEST:


Kari J. Ravencroft, CITY Clerk

LATAH SANITATION, INC.

By: 
Joseph J. Johnson, President

ATTEST: _____

SCHEDULE A

Biosolids fee per wet ton weight:

Per ton cost	\$48.50
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2014 LEWISTON YARD WASTE CONTRACT

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YARD WASTE CONTRACT

This Contract is entered into this 27th day of February 2014, by and between the CITY OF LEWISTON, a municipal corporation of the State of Idaho, hereinafter "CITY," and LATAH SANITATION, INC., an Idaho Company, hereinafter "CONTRACTOR."

An open and competitive process to procure this Contract has been completed. Prior to the issuance of requests for proposals, the CITY established objective criteria to be used in evaluating and selecting the preferred applicant, including experience in management and comparable projects, references, safety, ability to procure insurance, technical proposals, including, organics processing and marketing, transportation and disposal facilities, customer service and public education, litigation and regulatory compliance including demonstrating ability to track and comply with changes in law, community involvement and financial stability, including ability to finance, strength of company, and reasonableness of costs. Several proposals were submitted. CITY reviewed the proposals and made such investigations as it deemed necessary and appropriate to ensure that cost effective, quality service be provided to CITY. CITY awards this Contract based upon the level of service proposed, historical evidence as to the quality of service, documentation submitted and the results of the review process.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Contract and for other good and valuable consideration, CITY and CONTRACTOR agree as follows:

SECTION 1: PERFORMANCE

CONTRACTOR hereby agrees to accept all clean yard waste, including, grass clippings, leaves, tree trimmings, Christmas trees, hay, straw, manure and garden waste at its approved site from CITY, its designated haulers, and/or individual self-haulers, except as provided hereafter.

Yard waste delivered in plastic bags by CITY or its designated haulers shall only be accepted by CONTRACTOR during the months of November through March. CITY shall prohibit the use of plastic bags during all other months.

CITY and CONTRACTOR shall work together to implement a plan, which identifies individual self-haulers. Individual self-haulers, who are residents of the City or Nez Perce County and who pay a fee for garbage service to the City or the County shall not be charged a fee, all others shall be charged and it shall be the responsibility of CONTRACTOR to collect such fee

CONTRACTOR shall not be required to accept tree trimmings, including limbs, trunks and stumps, which are larger than six (6") inches in diameter and greater than six (6') feet in length.

CONTRACTOR shall perform services in a prompt, thorough, comprehensive, reliable, courteous, professional and safe manner. CONTRACTOR has the freedom and discretion to determine the means, manner or method of providing services.

CONTRACTOR acknowledges that in entering into this Contract, CITY is not responsible for supervising CONTRACTOR or for performing any services. CONTRACTOR is solely responsible for choosing the facilities used for processing yard waste materials. In addition, CITY is not the owner or title holder of any material collected, transported, processed, disposed of or otherwise handled by CONTRACTOR.

SECTION 2: TERM OF CONTRACT

TERM: The Term of this Contract shall commence July 1, 2014, and terminate December 31, 2024. The term of the Contract shall be for ten (10) years. On or before December 31, 2023, in its sole discretion, CITY may provide written notice of its desire to extend the Contract for an additional five (5) years until December 31, 2029. Before December 31, 2028, in its sole discretion, CITY may provide written notice of its desire to extend the Contract for another additional five (5) years until December 31, 2034. No further extensions shall be permitted. Any written notice required by this Contract shall be served by certified or registered mail, return receipt requested.

NON-APPROPRIATION CLAUSE: Notwithstanding any other provision of this Contract, all obligations of CITY under this Contract which require the expenditure of funds are conditioned on the availability of funds appropriated for that purpose. CITY will deal with CONTRACTOR in good faith, but will not be subject to any penalty from CONTRACTOR or its Surety for failure to appropriate funds.

SECTION 3: PERFORMANCE BOND/LETTER OF CREDIT

CONTRACTOR shall furnish security or a letter of credit for the faithful performance of this Contract for the contract year 2014, and for each subsequent year. Such security or letter of credit shall cover all services provided to CITY and shall be in an amount of seventy-five thousand (\$75,000) dollars. Said security or letter of credit shall be furnished on return of the executed Contract to CITY and shall indemnify CITY against any failure of CONTRACTOR to perform this Contract. The total liability of CONTRACTOR for failure to perform shall not exceed the total of the Performance Bond or letter of credit. CONTRACTOR shall renew the performance bond or letter of credit on an annual basis.

All bonds required by this Contract may be combined with the bonds required in the Bio-solids Contract.

SECTION 4: INSURANCE

A Certificate(s) of insurance acceptable to CITY shall be filed with the City Clerk prior to commencement of the Contract. Said Certificate(s) shall contain a provision that coverage afforded under the policies will not be cancelled unless at least thirty (30) days

prior written notice has been given to CITY. Only CITY'S form of Certificate of Insurance shall be accepted.

During the term of this Contract, CONTRACTOR shall procure and maintain liability and worker's compensation insurance at their own expense in an amount and as specified below. All policies shall list CITY as an additional named insured. Liability insurance required under this Contract may be combined with insurance provided under the Bio-solids Contract.

GENERAL PUBLIC LIABILITY AND PROPERTY DAMAGE: CONTRACTOR'S shall maintain Comprehensive General Public Liability and Property Damage Insurance, including vehicle coverage, protecting it from all claims for personal injury, including death, and all claims for destruction of or damage to property, arising out of or in connection with any operations under this Contract, including any performance of subcontractors or anyone directly or indirectly employed by CONTRACTOR or by a subcontractor.

Any injury and/or damage caused to public or private properties by CONTRACTOR shall be the sole responsibility of CONTRACTOR and shall be repaired or replaced in a time and manner approved by CITY. If such injury and/or damage is not corrected within the time or in the manner approved by CITY, CITY may choose to have such injury and/or damage corrected and the cost for correction shall be charged to the CONTRACTOR. Insurance shall be written with a limit of liability of not less than two hundred fifty thousand (\$250,000) dollars for property damage sustained by a single person in any single incident. A limit of liability of not less than two hundred fifty thousand (\$250,000) dollars aggregate for any damage sustained by two or more persons in any single incident.

BODILY INJURY: General liability and comprehensive insurance shall be maintained with a policy limit of not less than five hundred thousand (\$500,000) dollars for bodily injury, including death, for any incident involving one person. A limit of liability of not less than five hundred thousand (\$500,000) dollars aggregate for any single incident involving two or more persons. CONTRACTOR shall also carry excess liability or umbrella liability coverage of at least one million (\$1,000,000) dollars with CITY listed as a named insured. This comprehensive general public liability and property damage insurance shall be an "occurrence" or "open ended" type policy protecting the public and CITY after termination of premium payments.

WORKERS' COMPENSATION: During the term of this Contract, CONTRACTOR shall procure and maintain, at its own expense, Workers' Compensation Insurance, including occupational disease provisions, which complies with Idaho law, for all of CONTRACTOR'S employees and shall require each subcontractor to provide Workers' Compensation Insurance, including occupational disease provisions for all of subcontractor's employees unless such employees are covered by CONTRACTOR'S Workers' Compensation policy. In case there are any employees engaged in hazardous work under this Contract and are not covered by Workers' Compensation Insurance, CONTRACTOR and each subcontractor shall provide adequate and suitable insurance

for the protection of those employees. Proof of such coverage shall be provided to CITY.

SECTION 5: INDEMNIFICATION

CONTRACTOR shall indemnify and hold CITY and its agents and employees harmless from and against all claims, damages, losses, expenses, penalties and/or fines, including attorney's fees and costs arising out of or resulting from CONTRACTOR'S performance of the Contract, attributable to negligent or willful acts or omissions, including violation of any permit by CONTRACTOR and/or any subcontractor or any employee or agent of CONTRACTOR or a subcontractor.

SECTION 6: OPERATION

During the term of this Contract, CONTRACTOR shall provide sufficient personnel and equipment to meet the requirements of this Contract. Operation shall be seven days a week to meet the CITY'S yard waste disposal needs. Hours of operation shall be 8:00 a.m. to 4:30 p.m. Operation days and hours shall coincide with CITY'S Solid Waste Transfer Station operation hours. CONTRACTOR shall not be required to operate on the following holidays:

New Year's Day	Thanksgiving Day	Independence Day
Memorial Day	Christmas Day	Labor Day

Should CONTRACTOR elect to operate on one or more of the above holidays, CONTRACTOR shall notify CITY thirty (30) days in advance of the holiday. CONTRACTOR shall maintain a local telephone number and a contact employee or agent. CONTRACTOR shall provide name, telephone number(s), and address to the CITY. In addition, CONTRACTOR shall provide a telephone number for 24/7 emergency contact.

Contractor will operate this site under the 40 CFR Part 503 Regulations and all other applicable federal, state and local regulations. Any additional testing, operation addendum or services requested by the City will be billed to the City.

CONTRACTOR retains the right to be flexible, amending operating stratum as needed to ensure maximum efficiency, a quality product and new operational methods. From time to time, CONTRACTOR may amend Operations Plan with Public Health – North Central District Health Department to reflect significant operational changes. The cost of any significant operational changes will be the responsibility of CONTRACTOR.

CUSTOMER SERVICE: CONTRACTOR shall provide two (2) phone lines during the transition phase of the program as well as during ongoing operations.

EDUCATION: CONTRACTOR shall provide an ongoing public education program consisting of the following.

1. Working with existing media outlets to promote composting.
2. Providing composting information at community events.
3. Working with and making presentations to local civic organizations to promote composting.
4. Providing tours of the new composting facility.
5. Providing composting information to area schools.
6. Generating displays that can be set up at various public buildings such as libraries, governmental entities and schools.
7. Developing information brochures that can be distributed throughout the community including businesses and public buildings.
8. Providing community workshops in conjunction with public or civic groups on backyard and worm composting.

SECTION 7: SITE

At its expense, and in accordance to federal, state, county and municipal codes, CONTRACTOR shall provide a disposal site and all site improvements including site grading, electrical, telephone, water, sewer, or septic tank, and adequate ingress and egress. The CONTRACTOR shall be responsible for site security and site maintenance, including weed and litter control.

SECTION 8: RECORDS – DISPOSAL RECEIPT

CONTRACTOR shall maintain a record of weights for all yard waste received. An individual record of each vehicle processed shall include the license plate number and gross vehicle weight with yard waste and tare vehicle weight minus yard waste.

SECTION 9: PAYMENT

CONTRACTOR shall provide CITY a monthly billing statement indicating the total monthly volume and payment amount due. The monthly statement shall be accompanied with a record of the individual disposal receipts required by Section 8. Each billing must be submitted to CITY by the tenth day of the month for timely processing CITY. False or altered disposal receipts shall be cause for Contract termination within the provisions of Section 13, Failure to Perform.

SECTION 10: MODIFICATION TO FEES

In conformance with any applicable City Code or other law, City will adjust fees as soon as practicable in the case of any of the following events:

CHANGES IN SCOPE OF SERVICE. By providing notice to the other party, CITY or CONTRACTOR may request to change or modify services, or add new composting services directly related to services provided by CONTRACTOR. CITY and CONTRACTOR

will use reasonable business efforts to review and comment on, and approve or disapprove the proposal within thirty (30) days of receipt of notice. CITY and CONTRACTOR may mutually agree to extend the time period for review due to the complexity of the scope of service modification under consideration, the time needed for the review or approval, or other reasonable justifications.

Nothing in the Contract shall prohibit CITY from securing additional services not directly related to services provided by CONTRACTOR from other providers.

At the request of CITY, CONTRACTOR shall promptly provide operating and business records that are reasonably required to verify the soundness and accuracy of the impacts associated with a change in scope of services. CONTRACTOR shall fully cooperate with the CITY'S request and provide CITY and its agent(s) copies of or access to CONTRACTOR'S records.

This Contract shall be amended to incorporate any modification or additional services agreed upon by the parties.

UNCONTROLLABLE CIRCUMSTANCES. Uncontrollable circumstances, including changes in the applicable law, are those which increase CONTRACTOR'S cost of providing services in a manner and to such an extent that the cost changes could not be reasonably anticipated. Insurance that is required by this Agreement shall be applied to mitigate uncontrollable costs. The annual service fee adjustments set forth below shall be used to adjust all other cost increases.

ANNUAL SERVICE FEE ADJUSTMENTS. Beginning April 2015 and in April of each succeeding Contract year, CITY will calculate the increase or decrease in the service fee effective for the next contract year commencing July 1, in accordance with the provisions of this section.

Annual service fee shall be adjusted by one hundred (100%) percent of the annual percentage change in the C-CPI-U. The service fee includes all CONTRACTOR'S direct costs, indirect costs, plus profit or return of providing services.

CONTRACTOR acknowledges that it shall have no right to an increase in service fees except in the events described in this subsection.

DEFINITIONS

Annual Percentage Change: the annual index value for the Index Year preceding the calculation of adjusted Service Fee (*Index Year 2*), minus the annual index value for the next preceding Index Year (*Index Year 1*), divided by the annual index figure for the next preceding Index Year (*Index Year 1*).

C-CPI-U: the chained consumer price index (Series ID SUUR0000SA0L1E), U.S. CITY Average, all items less food & energy (not seasonally adjusted), Base Period DECEMBER 1999=100, as published by the U.S. Department of Labor / Bureau of Labor Statistics.

Index Year: is April 1 through March 31. (*For purposes of examples Index Year 1 means April 1, 2012 through March 31, 2013. Index Year 2 means April 1, 2013 through March 31, 2014.*)

The parties agree that interim/preliminary indexes shall be considered final indexes for the purpose of annual CONTRACTOR payment adjustments, and both parties agree not to pursue any further CONTRACTOR payment adjustments based on any revision of interim/preliminary indexes.

SECTION 11: PURCHASE OF COMPOST

CONTRACTOR shall annually provide two hundred fifty (250) cubic yards of compost to CITY at no cost to CITY. If CITY requires additional compost, CITY shall have the option to purchase compost at CONTRACTOR'S cost.

SECTION 12: SCALES

On the effective date of this Contract, CONTRACTOR shall have in operation a sixty (60') foot scale. Said scale shall be certified annually on or before the contract effective date, and shall be used to weigh the CITY'S yard waste from CITY vehicles, CITY contracted haulers and individual self-haulers.

SECTION 13: FAILURE TO PERFORM

Except in the event of Acts of God, should CONTRACTOR fail to perform any duties required by this Contract, CITY may provide written notification to CONTRACTOR of such failure, detailing the nature of the failure. CONTRACTOR shall initiate corrective measures within twenty-four (24) hours of such notification and completely correct any failure within ninety days (90) of notification.

If CONTRACTOR does not correct a failure to perform within the time limits set out above, or fails to provide a reason for noncompliance to the satisfaction of the CITY, CITY may declare CONTRACTOR in default of this Contract and notify CONTRACTOR to discontinue any further service under this Contract. A copy of said notice shall be sent to CONTRACTOR and the surety for CONTRACTOR'S performance bond, or CITY may collect on the letter of credit. Upon receipt of such notice, CONTRACTOR agrees that it shall promptly discontinue work, within ten (10) days of receipt of notification of non-performance, Surety may, at its option, assume the work which CITY has ordered discontinued and proceed to perform the Contract with a firm or contractor acceptable to CITY. Surety shall be solely responsible for the cost of continuing work in compliance with the terms and conditions of this Contract. Pending consideration by the Surety of the option to assume CONTRACTOR'S work, CITY may perform the work and employ such force as it may deem necessary to continue the work. The cost of all labor and materials necessary for such work shall be paid by CITY out of the monies then due CONTRACTOR or any other funds which may be future payments to CONTRACTOR and CITY may collect on the letter of credit to perform the work.

In the event that the Surety fails to exercise its option within the ten (10) day period, either by day labor, or by relenting the same, CITY may complete the work or any part thereof, either by employing such force as it may deem necessary to continue the work, or by relenting the same. The cost of all labor, materials and reasonable costs necessary for such work shall be paid by CITY out of the monies then due CONTRACTOR or any other funds which may be future payments to CONTRACTOR, including the letter of credit.

CITY shall be entitled to recover from CONTRACTOR and its Surety or by collection on the letter of credit, as damages, all expenses incurred, including reasonable attorney fees, any further damages as CITY may incur together with such additional sums as may be necessary to complete the work up to a maximum of seventy-five thousand (\$75,000) dollars.

Notwithstanding the provisions of this section, a delay or interruption in the performance of all or any part of the contract resulting from Acts of God beyond CONTRACTOR'S control, shall not be deemed to be a default of the Contract and the rights and remedies of CITY provided for herein shall be inapplicable.

SECTION 14: NOTIFICATION OF SHUTDOWN

CONTRACTOR will be required to notify CITY in writing of any anticipated shutdown of its operation at least seventy-two (72) hours in advance. The notice shall be given to the Solid Waste Division Manager or his designee. CONTRACTOR shall immediately notify CITY of any emergency requiring shutdown of operations. All such notifications shall be made orally to the Solid Waste Division Manager or his designee and confirmed in writing.

CITY will be required to notify CONTRACTOR in writing of any anticipated shutdown of its operations at least seventy-two (72) hours in advance. CITY shall immediately notify the CONTRACTOR of any emergency requiring shutdown of operations. All such notifications shall be made orally to the CONTRACTOR and confirmed in writing to:

Latah Sanitation, Inc.
P.O. Box 8036
Moscow, Idaho 83843
(208) 882-5724

A local address and telephone number will be provided after the plant is in operation in Lewiston. Either party may change its address at any time upon written notice to the other party.

SECTION 15: REGULATIONS

CONTRACTOR shall keep itself fully informed of all existing and proposed federal, state, county and municipal laws, court or administrative rulings, ordinances, permits and regulations which affect those engaged or employed in the type of work covered by this Contract. CONTRACTOR shall at all times observe and comply with and shall cause all

its agents and employees to observe and comply with applicable laws, ordinances, permits, regulations, orders or decrees, and, shall protect and indemnify CITY and all its officers, agents and employees, against any claim, loss or liability, arising or resulting from violation of any such laws, ordinances, permits, rules, regulations, order or decrees, whether by itself or by its agents or employees.

If any discrepancy or inconsistency is discovered in the contract documents for work in the relation to such laws, ordinances, permits, rules, regulations, orders or decrees, CONTRACTOR shall immediately report the violation to the CITY. Should CITY be made aware of any violation, CITY will immediately notify CONTRACTOR.

SECTION 16: ASSIGNMENT OF CONTRACT

This Contract may not be assigned in whole or in part except upon the written consent of the CITY Council. Any assignment shall be subject to approval by the City Council. Such approval shall not be unreasonably withheld.

SECTION 17: ASSOCIATION

Nothing in this Contract is intended to, or shall be deemed to, constitute a partnership, association, or joint venture by CONTRACTOR and CITY.

SECTION 18: TAXES

CONTRACTOR shall be responsible for the payment of all federal, state, local or other taxes applicable to its property and operations.

SECTION 19: ACCESS TO CONTRACTOR'S FACILITIES

At all times during the term of this Contract, authorized CITY personnel and state and federal regulatory personnel shall have access to CONTRACTOR'S facilities for purposes of inspection and monitoring as required by CITY, state, and federal regulatory agencies.

SECTION 20: SIGNING AND SITE CONTROL

CONTRACTOR shall be responsible for all on-site directional and informational signing. All new and existing signs shall conform to CITY standards and shall be approved by CITY prior to installation.

SECTION 21: DISPUTE RESOLUTION

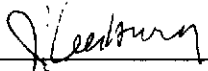
All disputes between Contractor and City shall be subject to mediation under Idaho Code §§ 9-801-814. Either party may demand mediation by serving a written notice stating the essential nature of the dispute and demanding that the mediation proceed within sixty (60) days of service of notice.

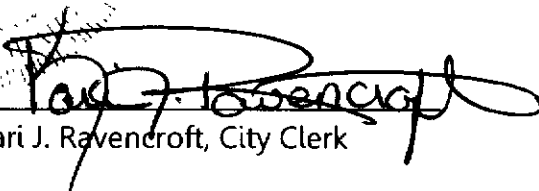
SECTION 22: AMENDMENT

This Contract may be amended by mutual consent of the parties. Any amendments shall be made in writing and executed by both parties

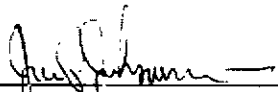
By the signatures of their duly elected officials, the parties cause this Contract to be executed on the date first written above.

CITY OF LEWISTON, IDAHO

By: 
James Kleeburg, Mayor

ATTEST: 
Kari J. Ravencroft, City Clerk

LATAH SANITATION, INC.

By: 
Joseph J. Johnson, President

ATTEST: _____

SCHEDULE A

CITY CONTRACTOR Hauled	\$43.75 per ton
Self-Haul	\$43.75 per ton
Gate Fee: (For all Nez Perce County vehicles)	\$ 1.04 per vehicle
Bag Removal (One annual payment)	\$7,700.00 Annually

CONTRACTOR fees for compost shall be as follows.

Loading material - \$0.50 cents per cubic yard
 Screened material - \$0.70 cents per cubic yard
 Stored material - \$0.10 cents per cubic yard

Memo

To: Mayor Johnson
Lewiston City Council

From: Dustin Johnson, PE, Public Works Director

Copy: Haley Kelley, Public Works Specialist

Date: September 22, 2023

Subject: **Single Stream Recycling - Overview**

In 2018, Sunshine Disposal & Recycling (SDI) contacted the City to negotiate financial relief options for processing single-stream recyclables as a result of the impact of China's Operation National Sword" policy on the worldwide recycling market.

The City's proposal was to pay the recycling processing cost each month provided that ratepayers would be willing to pay more for recycling in lieu of generating excess trash by sending single-stream recyclables to the landfill.

In 2019, the Transfer Station staff conducted an informal, voluntary survey during the summer months to see who uses the facility, frequency of use, and willingness to pay for service at the facility (Table I).

The responses from this informal survey helped inform Public Work's decision to recommend to City Council during the Fiscal Year 2020 budget process to add a \$2.10 recycling surcharge per month, per account as a result of the recycling market. City Council approved this additional fee with Resolution 2019-36.

The City has paid for the processing costs of single-stream recyclables from Fiscal Year 2020 to the present.

After a financial analysis of the Sanitation Utility's budget, Public Works Director Johnson recommended to City Council during the Fiscal year 2023 budget process to eliminate the \$2.10 recycling surcharge to provide relief to customers without causing a detriment to the health of the utility. City Council approved this fee removal with Resolution 2022-32.

Single Stream Recyclables

Approved by City Council on November 22, 2021, Ordinance No. 4823 is a Franchise Agreement with Sunshine Disposal & Recycling (SDI) for the collection, hauling, and tipping of residential and commercial solid waste, yard waste, and recyclable materials.

In this agreement, SDI agrees to actively and continuously look for sustainable and cheaper processing alternatives for single stream recyclables and includes the provision that the City may direct SDI to landfill the recyclables should the processing cost exceed \$135 per ton.

Table I – Summary of Responses by Percentage of Total Respondents	
How often do you use the Transfer Station?	
Weekly	33.97%
Monthly	50.59%
Yearly	15.44%
When do you use the Transfer Station?	
Weekdays	54.60%
Weekends	45.50%
If you use the Transfer Station monthly, how often?	
1 – 3 times	65.75%
4 – 6 times	29.96%
≥ 7 times	4.29%
Would you prefer a flat fee or per pound (lb) fee?	
Flat fee	72.95%
Per/lb fee	27.05%
Willing to pay a flat fee?	
\$2 – \$4 flat fee	61.54%
\$5 – \$6 flat fee	30.29%
≥ \$7 flat fee	8.17%
Should users of Transfer Station pay for operation?	
Yes	81.40%
No	18.60%
Willing to pay more on your garbage bill?	
Yes	84.10%
No	15.90%
How much more?	
\$1 - \$2	52.78%
\$2 – \$4	35.36%
≥ \$4	11.26%

The total cost for single stream recycling processing costs is approximately \$131,400¹ per year based on historical tonnage and expense data (Table 2).

	Table 2 - Tonnage and Expense History of Single Stream Recyclables Processing															
	FY 2023				FY 2022				FY 2021				FY 2020			
	Cost/Ton	Curbside Tons	TS Tons	Total	Cost/Ton	Curbside Tons	TS Tons	Total	Cost/Ton	Curbside Tons	TS Tons	Total	Cost/Ton	Curbside Tons	TS Tons	Total
Oct	\$149.00	118.74	4.4	\$18,347.86	\$11.00	116.28	1	\$1,290.08	\$111.00	121.5	1.23	\$13,623.03	\$130.00	126.43	3.26	\$16,859.70
Nov	\$120.00	52.25	0	\$6,270.00	\$34.00	130.44	1.08	\$4,471.68	\$96.00	127.31	1.98	\$12,411.84	\$135.00	118.16	2.82	\$16,332.30
Dec	\$128.00	123.23	1.5	\$15,965.44	\$57.00	128.49	1.62	\$7,416.27	\$85.00	143.14	1.08	\$12,258.70	\$135.00	136.87	4.5	\$19,084.95
Jan	\$125.00	77.85	1.71	\$9,945.00	\$68.00	153.93	0.89	\$10,527.76	\$83.00	133.95	1.31	\$11,226.58	\$130.00	145.68	5.11	\$19,602.70
Feb	\$112.00	0	0	\$0.00	\$69.00	116.13	1.23	\$8,097.84	\$89.00	111.3	0.93	\$9,988.47	\$127.50	113.94	3.41	\$14,962.13
Mar	\$111.00	25.3	0.3	\$2,841.60	\$61.00	132.8	1.16	\$8,171.56	\$87.00	141.64	1.39	\$12,443.61	\$124.00	128.52	4.02	\$16,434.96
Apr	\$104.00	109.98	7.5	\$12,217.92	\$60.00	120.06	2.22	\$7,336.80	\$72.00	129.42	0.82	\$9,377.28	\$125.00	131.08	3.4	\$16,810.00
May	\$102.00	128.09	4.35	\$13,508.88	\$53.00	128.07	4.18	\$7,009.25	\$66.00	118.47	0.94	\$7,881.06	\$106.50	132.08	4.31	\$14,525.54
Jun	\$104.00	133.14	10.9	\$14,980.16	\$43.00	138.68	3.77	\$6,125.35	\$45.00	139.37	1.85	\$6,354.90	\$123.00	137.46	4.79	\$17,496.75
Jul	\$117.00	111.24	6.99	\$13,832.91	\$50.00	116.21	3.18	\$5,969.50	\$24.00	123.48	1.88	\$3,008.64	\$128.00	133.23	1.31	\$17,605.12
Aug	\$121.00	124.28	11.9	\$16,472.94	\$67.00	130.71	3.83	\$9,014.18	\$12.00	126.12	0.72	\$1,522.08	\$112.00	119.13	3.4	\$14,948.66
Sep	\$117.55	91.28	4.5	\$11,258.82	\$119.00	116.75	3.26	\$14,281.19	\$6.00	122.86	0.61	\$740.82	\$114.00	124.59	5.37	\$14,815.44
TOTALS	\$1,410.55	1095.38	54.01	\$135,641.53	\$692.00	1528.55	27.42	\$89,711.46	\$776.00	1538.56	14.74	\$100,837.01	\$1,490.00	1547.17	45.70	\$199,478.25

¹ Fiscal Year 2023 data is based on actual expenses from October 2022 to August 2023. Estimates for September 2023 services have been based on average tonnage and average cost per month.



CITY COUNCIL MEETING AGENDA ITEM HISTORY/COMMENTARY

ITEM TITLE HISTORIC PRESERVATION PLAN	AGENDA NO. V.E. AGENDA DATE: October 2, 2023
ITEM HISTORY (PREVIOUS COUNCIL REVIEWS, ACTION RELATED TO THIS ITEM, OTHER PERTINENT HISTORY)	
ITEM COMMENTARY (BACKGROUND, DISCUSSION, KEY POINTS, RECOMMENDATIONS, ETC.) Please identify any or all impacts this proposed action would have on the City budget and/or personnel resources. Idaho Department of Environmental Quality (IDEO) funded City Drinking Water Improvement Projects (Water Treatment Plant, Well 7, Community Drive Reservoir, Raw Water Intake). IDEO conducted the State Environmental Review Process (SERP) of the City's Projects and determined that the City undertaking had an area of potential effects (APE). The Idaho State Historic Preservation Office (SHPO) determined that demolition of the Water Treatment Plant's Filter Building and Administrative Office Building will have an adverse effect to historic property. IDEQ, in consultation with the SHPO, determined that the adverse effects could not be avoided. As mitigation for the adverse effects resulting from this project, the City of Lewiston was required to complete the following: A. Within five (5) years of filing the signed agreement (on or after March 1, 2021), IDEQ will coordinate with Idaho SHPO, City of Lewiston, and the Lewiston Historic Preservation Commission to develop a Historic Preservation Plan for the City of Lewiston. The Historic Preservation Plan will help guide the City of Lewiston in decisions regarding historic properties and provide guidance on future preservation priorities. 1. The preservation plan will be prepared by a professional who meets the Secretary of Interior's Professional Standards for "Historic Preservation Planning." 2. Prior to Initiation of the historic preservation planning process, the professional will meet with the Idaho SHPO's Historic Preservation Planner and Outreach Historian to confirm expectations and develop a schedule. 3. The Idaho SPHO will review and approve the draft and final preservation plan prior to adoption by the City of Lewiston.	

Draft products shall be submitted to the SHPO for approval and acceptance upon completion, not later than 48 months from March 1, 2021. The IDEQ shall be notified upon submission to the SHPO.

BUDGET IMPACT

No budget impact.

ACTION PROPOSED

Adoption of Municipal Preservation Plan for City of Lewiston, June 2023.

Municipal Preservation Plan

for



City of Lewiston, Idaho

June 2023

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Submitted by Principal Investigator

Russell Holter, MAH
Cultural Reconnaissance
PO Box 722
Tacoma, WA 98401-0722

Submitted To

Lewiston Historic Preservation Commission
PO Box 617
Lewiston, ID 83501

And

Idaho State Historic Preservation Officer
210 Main Street
Boise, ID 83702





Figure 1: Idaho Territorial Capitol Building. Original artwork by Terry Mourning Architecture © 2021.



Acknowledgements

This plan was funded with a State of Idaho State Revolving Fund (SRF) loan as required by a stipulated mitigation agreement between signatories of a legally binding Memorandum of Agreement (MOA) executed between the Idaho Department of Environmental Quality (IDEQ), the Idaho State Historic Preservation Office (SHPO) and the City of Lewiston. Development of this document was undertaken in 2021 as mitigation for a City of Lewiston water system project which had an adverse impact on a water filtration plant site (IHSI No. 69-1822).

Special thanks go to Dan Everhart, Architectural Historian at Idaho SHPO; Pete L'Orange, former Certified Local Governments Coordinator at Idaho SHPO; Alannah Bailey, Engineering Project Supervisor, for Lewiston Public Works; Michelle Bly, former Chair of the Lewiston Historic Preservation Commission; Katie Hollingshead, Commission staff; Susan Beeman, consulting municipal planner; Brett Lucas, GIS analyst; Brian Rich, Senior Historic Architect; Terry Mourning, consulting architect.

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City of Lewiston

Mayor:.....Daniel Johnson

Councilors:.....Hannah Liedkie (Council President)
Kassee Forsmann
Jim Kleeburg
Kathy Schroeder
John Spikelmeier
Rick Tousley

Public Works Director:.....Dustin Johnson

Project Supervisor:.....Alannah Bailey

Lewiston Historic Preservation Commissioners

Commission Chair:.....Vikky Ross

Commission Liaison:.....Kathy Schroeder

Commissioners:.....Leah Boots
Greg Follett (Vice-chair)
Lisa Hasenoehrl
Peggy Heusinkveld
Ed King
Dennis Ohrtman
Ged Randall
Laurinda Riggs

Staff Representative:.....Katie Hollingshead



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Part 1: Purpose & Process



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Part 1: Purpose & Process

The Purpose

The purpose of this plan is to lay out a process for identifying and protecting buildings and resources which contribute to the unique sense of place in the Lewiston community due to their age, architectural features, or association with individuals or groups who played a significant role in events associated with local, regional, state or national history.

This Historic Preservation Plan is intended to identify community goals related to historic preservation, and provide a framework for policy decisions which impact historic resources. It should be implemented alongside the adopted *Design Guidelines for the Lewiston West End Historic District*; Lewiston City Code Chapter 19.5, Historic Districts; and Title 67-46 of the Idaho Code and Statutes.

Principle Aim of Historic Preservation

The principle aim of local preservation is to identify those places, sites, structures, objects, and buildings, that make Lewiston unique amongst other cities, and then to preserve the character of those properties by encouraging appropriate modifications, while discouraging or disallowing alterations which would negatively impact the character-defining features.

Education is a key component of local preservation: educating property owners about the best methods for preserving character while enhancing property value; educating the community about the benefits of retaining community character; and reminding

residents, visitors and policy-makers about the context of local and regional history, and its impact on the future.



Figure 1: Booth Residence. It is distinctive for its Queen Anne elements in a Classical Revival design.

Methodology

Working with their consultant, the City researched secondary sources of information pertaining to preservation planning. Preservation advocates were sought, and local needs discussed. The city engaged the public through the development of a survey that was circulated online and direct mail. The findings of the survey were tabulated and analyzed to provide a framework for published preservation goals.

Timeframe and Need for Re-Evaluation

Once adopted by the City Council, the Historic Preservation Plan should be reviewed regularly by members of the Historic Preservation Commission and revised as necessary, and at least every ten years from the date of its adoption.



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Part 2: Historic Context & Circulation Patterns



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Part 2: Historic Context & Circulation Patterns

Lewiston is situated on lands once occupied by the Nimiipuu People. This people group shared a common Sahaptin dialect. The largest Tribe of Nimiipuu People is the Nez Perce, whose reservation lands are located east of Lewiston (Nez Perce). The tribe was referred to by several names, some affirming, others inflammatory. However, the name they adopted was derived from French-Canadian fur traders. The name, Nez Perce, became a part of the lexicon of Chinookan trade jargon and meant 'the pierced nose.' Nez Perce is the official name of the tribe and is recognized by the U.S. Secretary of the Interior.

Native peoples followed game trails to acquire seasonal resources to sustain life. These trails often followed perennial water sources to prairies with camas and bitterroot. Ponds and springs ringed with tules and cattail also provided habitat for trout and ducks. Barter routes, such as the Lolo Trail, linked the community groups of the Montana plains with those of the Columbia Plateau.

The usual and accustomed areas of the Nez Perce were established at the Walla Walla Treaty of 1853. Territorial Governor Isaac Stevens was a seasoned negotiator when he arrived to settle the treaty of Walla Walla. However, Nez Perce leader Chief Lawyer (Hallalhotsoot), a fluent English speaker, befriended Stevens in order to secure a large inholding in exchange for vacating their lands. Through bargaining, Chief Lawyer retained an astounding 7.5 million acres of land for his people. Chief Lawyer had a boundary stretching from Asotin County, Washington, to the west, to Lolo County, Montana, to the east. Chief Lawyer also claimed Clearwater County to the north and Idaho County to the south. Over the years, subsequent



Figure 2: Nez Perce leader Chief Lawyer (Hallalhotsoot), ca. 1861. Photo Source: University of Washington Libraries. Special Collections Division

treaties and congressional acts have eroded this once mighty allotment by over 90%. However, coastal tribes received nowhere near that amount of land in earlier treaties negotiated with Governor Stevens (Richards).

Circulation Patterns

The Lakota Tribe referred to the Nez Perce as the *Watopa* or *Watopala*. In their language, the Nez Perce were the Canoe People. The Nez Perce were skilled in constructing canoes and navigating the treacherous white waters of the Clearwater, Columbia, Grande Ronde, and Snake Rivers.

However, the Nez Perce were also the gatekeepers of an essential indigenous trade route—The Lolo Trail. Plains Indians from the east used this trail, which follows the Clearwater River, to barter with



Part 2: Historic Context & Circulation Patterns

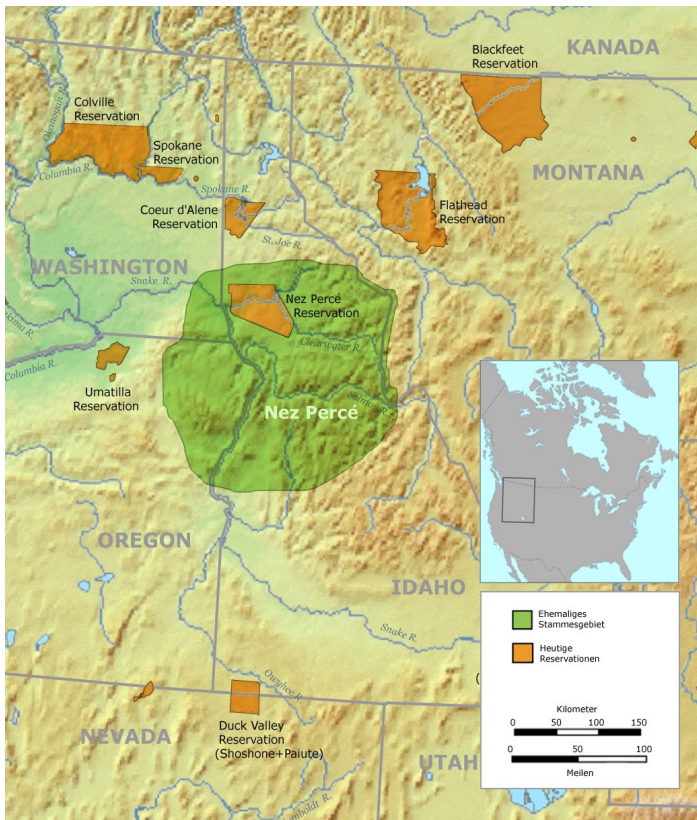


Figure 3: Original Nez Perce Territory (green) and reduced reservation of 1863 (brown). By User:Nikater - Own work by Nikater, submitted to the public domain. Background map courtesy of Demis, www.demis.nl., Public Domain, <https://commons.wikimedia.org/w/index.php?curid=1932427>

Pacific Northwest tribes at Celilo, Oregon. The area around today's Lewiston was ideally located. The confluence of the Snake with the Clearwater Rivers became a substantial layover spot on this 500-mile journey. Those rivers and streams that were navigable via canoe made important trade routes for the Nez Perce. The first Americans to traverse the continent were Lewis and Clark in 1805. On September 22nd of that year, the Nez Perce welcomed the Corps of Discovery. The expedition members made camp near Orofino, where they felled trees and constructed canoes

for the journey to the Pacific Coast. Orofino was chosen as members of the Nez Perce informed the expedition that a canoe journey to the ocean was possible from that launching point. On October 10th, the expedition rowed their way to the Snake River, passing that which would later become the communities of Lewiston and Clarkston. (Dietrich)

The Nez Perce were early domesticators of the horse—an animal revered for its strength and beauty. The horse provided the Nez Perce with tactical advantages in rival skirmishes and helped to establish their territorial rights negotiated with Governor Stevens. Those practiced in the arts of equine husbandry were revered within the tribal organization. The Nez Perce breeding program introduced the Appaloosa, a unique North American breed. The Appaloosa was first described by Lewis and Clark when they arrived in Nez Perce country in the fall of 1805. By then, the Nez Perce had been perfecting this breed for nearly a century. The Appaloosa is distinctive for its primitive markings, most notably on its hindquarters. The advent of the horse helped to further establish trade routes into the interiors of the western Montana Plains, to the Lower Columbia Basin, and down the Snake River to the broad Treasure Valley to the south. (Appaloosa)



Figure 4: An Appaloosa horse.

Part 2: Historic Context & Circulation Patterns

President Franklin Pierce called for exploring a practical route for a northern-tier transcontinental rail route that would link the Great Lakes with Puget Sound. Again, Governor Isaac Stevens was appointed to head up this survey in 1853 (Richards). Native Americans were crucial in assisting surveyors in locating viable options to crest the Continental Divide. Railway surveyors followed established trade routes, such as the Lolo Trail. This trail was explored but rejected due its rugged topography. Ultimately, the Northern Pacific surveyors would locate the right of way along the Clark Fork--north of the Clearwater River. (Lewty)

Steamboats plied the inland water ways. The largest steamships were found below the Cascades of the Columbia (later known as Bonneville). Intrepid boat captains portaged smaller boats around natural barriers, such as the falls at Celilo. The first steamship to arrive in Lewiston, the *Tenino*, was erected at the mouth of the Deschutes River in 1860—thus avoiding the treacherous falls.

Shallow-draft steamships reached well into the greater Palouse region, accommodating fledgling European settlements. Lewiston owes its existence to the Gold Rush of 1861. As the last practical landing place for gold strikers, the area around Lewiston became a year-round logistics center and the point of embarkation for those rushing to the gold fields near Orofino. With this rush of prospectors, Lewiston was firmly established as a steamboat town (Gulick, 2004). On the heels of the first of many Idaho gold rushes came a land rush as pioneering Americans migrated west in search of homesteads and cattle ranges. This land rush was motivated by Congress which passed

the Homestead Act in 1862. The Act authorized the “proving up” of unsettled and unclaimed property for the right to own 160 acres of western wilderness. Each successive migration wave brought an infusion of new blood into the hearty stock of Lewiston residents.

While regional communities of similar size, such as Walla Walla, Washington, and The Dalles, Oregon, had railways, Lewiston was compelled to sit back and wait decades for their first train to arrive. The Northern Pacific constructed a branch of its railroad south to Lewiston from Pullman, Washington. Construction began in July of 1890. Eight agonizing years later, the first train arrived at Lewiston in 1898. The Oregon, Washington, and Idaho railroad, a subsidiary of the Union Pacific, formed a junction at Riparia, Washington, and constructed a line into Lewiston in 1901. Lewiston also had a regional shortline railroad called the Lewiston and Clarkston Valley. This regional railroad began service in 1910 (Hillebrant). Transportation options only improved slightly with the advent of the



Figure 5: Railroad lift span bridge over the Clearwater River.



Part 2: Historic Context & Circulation Patterns

railroad due to the circuitous nature of rail routes to significant population centers.

If Lewiston were to grow, it would need more reliable river transportation and good roads. The most accessible way into Lewiston is via the 'gravity route' from the west that follows the Columbia River to the confluence of the Clearwater with the Snake Rivers. The towering vistas surrounding the community on three sides provide a dramatic backdrop for Lewiston. However, until 1915, traveling to points north, east, or south was still best accomplished via a trusty steed. The federal Good Roads initiative brought much-needed financing to construct roads accommodating America's love for automobiles. From these funds, an east-west route connected Lewiston with Walla Walla, to the plains of Montana. This route became US Highway-12.

Bridges were also erected to connect Lewiston to Clarkston. These publicly funded bridges were liberating as townsfolk were no longer at the mercy of privately operated ferry boats. Highway 95 was constructed to the north and became known as the Lewiston Hill Highway. Once complete, this beautiful stretch of winding road gave residents an outlet to reach the academic centers of Moscow and Pullman. Highway 95 was extended southward through equally rugged terrain. The route wove its way through the heart of Idaho and down the scenic White Bird Grade to points south, including the second state capital of Boise (Two Rivers).

Finally, Lewiston became an inland seaport with the addition of hydroelectric dams and locks on the Columbia and Snake Rivers (Gulick, 1974).



Figure 6: The city of Lewiston, Idaho, located at the confluence of the Clearwater and the Snake Rivers.

Part 3: History of Preservation in Idaho



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Part 3: History of Preservation in Idaho

The roots of Idaho's earliest preservation efforts began with the formation of two organizations—The Idaho State Historical Society and a group of preservation advocates known as Preservation Idaho. The citizens of Idaho formed the Idaho State Historical Society in 1881 to preserve the pioneer way of life, which has become part of Idahoan identification. Idahoans embrace the Pioneer spirit—the one-ness with the land, the freedom of fortune-seeking in the Gem State are still palpable feelings upon the political landscape today. This is not mere hyperbole; these ideals are manifest within the Great Seal of Idaho.

The Idaho Historical Society started as a statewide nonprofit organization. However, the Legislature made them a fully funded state agency in 1907. The Idaho State Historical Society now oversees six significant managerial responsibilities. The enabling legislation placed the State Historic Preservation Office under the umbrella of the Society's operations in 1966.

In Idaho, the roots of the advocacy efforts for historic preservation began in 1972 with the establishment of an organization of preservation advocates known today as Preservation Idaho (Canaday). Preservation advocates can trace their lineage back to Philadelphia. During an unprecedented explosion of new construction following the War of 1812, an intrepid developer advocated for the removal of Independence Hall in 1816. The property where Independence Hall sits represents a sizable piece of downtown real estate close to the bustling Philadelphia Seaport.

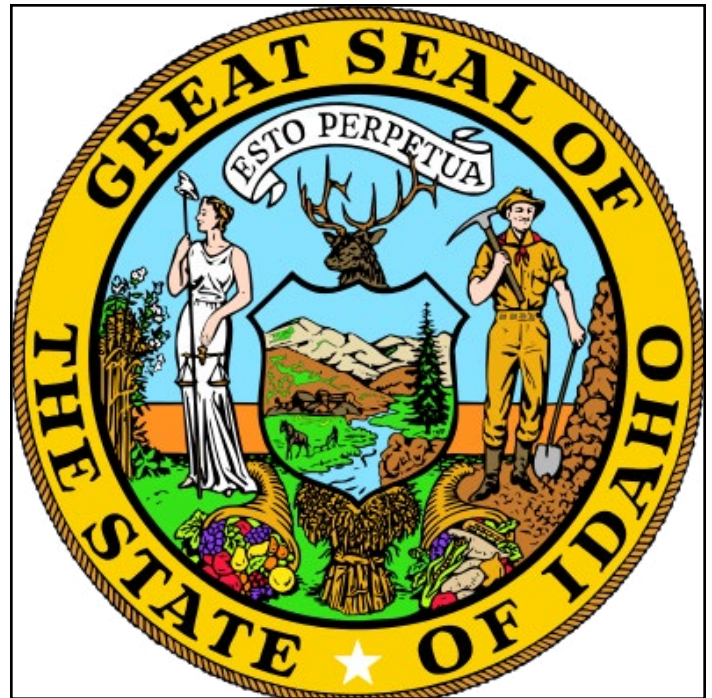


Figure 7: Idaho State Seal

By 1816, Independence Hall was neglected and lightly utilized. Recognizing this poor use of space, the real estate speculator offered to remove Independence Hall and replace it with a modern (1816-era) structure. The proposed demolition of Independence Hall sparked outrage not only in Philadelphia but awoke the sensibilities of many Americans across the country at that time. The response to nearly losing the Hall, where the Declaration of Independence was signed, was the formation of local preservation advocacy groups like the Preservation Society of Charleston, where the first historic district was formed (Norman).

The founding members of Preservation Idaho had been empowered to form the statewide nonprofit organization with the passage of the National Historic Preservation Act of 1966. Construction of the federal interstate system throughout the United States had compelled the loss of many historic



Part 3: History of Preservation in Idaho

buildings, bifurcated historic neighborhoods, and obliterated unique parks and landscape features. Closer to home, the seemingly endless construction of Interstate-84 had similar results in Boise.

Developers eager to embrace car-culture wanted to drag the life out of downtown Boise--move it west--and encapsulate that dynamic into one gigantic shopping mall. Unlike all those independent businesses located downtown, real estate speculators designed a shopping mall that would be owned and controlled by one monopolist.

Novelist L. J. Davis was Boise-born and bred. He was responsible for writing nationally circulated satirical works such as *Cowboys Don't Cry*; *A Meaningful Life*; and *Walking Small*. As a contributor for *Harper's Magazine*, Davis provided valuable insights into the socio-political machinations at that time. Davis observed that Boise appeared to have been bombed by planes that "cleaned up after themselves." Where historic buildings once stood were tidy holes. Some of those holes had a band-aid of asphalt slapped on them. Now and again, Davis would recognize a lonely landmark from his childhood, "In the midst of all that desolate emptiness, they [the historic buildings] look as forlorn as a buffalo standing in the rain at the zoo" (Davis, 34). In his satirical way, Davis pointed out the obvious—Boise was on its way to losing its cultural identity by becoming another shopping mall in a country filled with monotonous malls.

Davis observed that the struggle for historic preservation was universally due to the subjective nature of the cause. In conversations with Arthur A. Hart, then Director of the Idaho State Historical Society, Hart said, "It is impossible to put a price tag on the value of a city's culture." Director Hart added, "It's a question of context, a question of knowing who we are and where we come from" (Davis, 45). Davis wrote of the efforts of Joan Carley and Mary Lesser, two of the founders of the organization that would become Preservation Idaho. As Davis put it, Carley and Lesser were "mad as Hell" that the march of the bulldozer was eradicating the architectural heritage of Boise (Preservation Idaho). Their anger was channeled into action. They helped to charter Preservation Idaho in 1972. Working closely with the Idaho State Historical Society, Preservation Idaho's mission is "to preserve Idaho's historic places through collaboration, education, and advocacy." The organization is celebrating 50-years of success (Preservation Idaho).

The goal of the Certified Local Government (CLG) Program is to facilitate State and local government cooperation with Federal partners to promote nationwide preservation initiatives. Through the certification process, local communities make a commitment to national historic preservation standards. This commitment is key to America's ability to preserve, protect, and increase awareness of our unique cultural heritage found across the country. (Idaho Handbook)



Part 3: History of Preservation in Idaho

Historic Preservation in Lewiston

The Nez Perce County Historical Society (NPCHS) spearheaded the Lewiston historic preservation effort. In January of 1965, the City of Lewiston issued a permit to demolish the Lewiston First National Bank building at the corner of Third and Main. This sturdy Asotin sandstone structure had stood as a symbol of Lewiston's pioneering prosperity since 1891. For many living in Lewiston at that time, the loss of the building became a touchstone of preservation enfranchisement (Romero). In cooperation with the Idaho State Historical Society, the NPCHS was active in recording the remaining vestiges of Lewiston history. This process began in 1972. The organization set aside funding for this effort and hired historian Steven Branting to walk the streets of Lewiston, filling out inventory forms on his clipboard and snapping pictures as he went (Romero). These early efforts led to the formation of the Lewiston Downtown Historic District.

The Certified Local Government program was instituted with the Historic Preservation Act Amendment of 1980. This act, initiated by the National Park Service, empowers local governments on issues surrounding historic preservation. Congress appropriated funding towards the new program, and the National Park Service, working with their partners at the state, began the process of crafting model ordinances for cities and counties to consider for adoption. (NPS)



Figure 8: Lewiston's Carnegie Library.

In the Idaho political arena that Davis had described, civic leaders in Lewiston embraced the historic preservation movement and became early adopters of its platforms. Following the lead of the NPCHS, the Lewiston City Council enabled the formation of the Historic Preservation Commission in September of 1975, making it one of the first historic preservation commissions in the state. The first Local Governments certified in Idaho were: Boise, Bonner County, Idaho City, Kootenai County, Lewiston, Owyhee County, Pocatello, and Shoshone County. The state program has since grown over the past forty years to 52 participants (Canaday).

The National Park Service provides certified local governments with grants and other forms of assistance. Federal funds, explicitly earmarked for certified local governments, are passed to the National Park Service's state partners at the State Historic Preservation Office. These funds are distributed annually through a competitive process to any qualifying cities or counties that apply.

With guidance from the Idaho State Historical Society, the newly formed Lewiston Historic Preservation Commission began meeting the objectives of the Certified Local Government mission. This mission is found in the Idaho CLG Handbook.



Part 3: History of Preservation in Idaho

"CLG communities are those that show a commitment to historic preservation. They have done this by adopting a local ordinance and creating a historic preservation commission. The program is a dynamic partnership between local governments, the Idaho State Historic Preservation Office (SHPO), and the National Park Service (NPS)." (Idaho Handbook)

Generally speaking, local governments have been consulting parties to historic preservation efforts since 1966 with the passage of the National Historic Preservation Act. However, the 1980 Historic Preservation Act Amendment formalized and incentivized this role. Once funded, state historic preservation offices across America began enrolling and hiring staff to work specifically with their local government partners. Idaho waded into the program only after careful consultation with affected stakeholders such as Preservation Idaho. This consultation generated responses that demonstrated a need for a local support program.



Figure 9: Children's Home of North Idaho.

According to the Idaho CLG Handbook, the Idaho program is designed to be flexible and to meet differing levels of capability and needs. The state expects the participating local governments to operate consistently with the state's comprehensive historic preservation plan. The Idaho SHPO first began redistributing federal passthrough funds to qualifying local governments, like Lewiston, in 1983 (Canaday). "In recent years, the Idaho SHPO has distributed over \$80,000 annually to CLGs. Because of the CLG program, over \$2 million have been injected directly into local communities since 1983. Communities use these grants for many projects: surveys, National Register nominations, tour flyers, historic preservation plans, and even some bricks-and-mortar projects." (Idaho Handbook)

Lewiston Historic District and Lewiston West End Historic District

The original Lewiston Historic District, consisting of 17 late nineteenth and early twentieth century buildings in the oldest part of Lewiston, was listed in the National Register of Historic Places (NRHP) in 1975. This district, although with slightly different boundaries, was also given local designation as the Lewiston West End Historic District (Lewiston City Code, Chapter 19.5).

In 1984 the NRHP Lewiston Historic District was expanded slightly, at the request of a number of adjacent property owners, with the addition of 11 commercial buildings dating from approximately 1890 to 1930. This NRHP Lewiston Historic District Boundary Increase area was subsequently reconfigured, in consultation with the City of Lewiston, the Idaho State Historic Preservation



Part 3: History of Preservation in Idaho

Office (SHPO), and the Idaho Historic Sites Review Board, changing the recommended contributing/non-contributing status of some buildings and excluding areas with primarily noncontributing buildings (Sharley et al. 2018).

The resulting boundary increase area, roughly bounded by Beachey, Capital, and D streets on the north, 9th and 10th streets on the east, the bluffs and F Street on the south, and 5th and 6th streets on the west, contained 50 buildings contributing to the NRHP eligibility of the historic district and 16 noncontributing buildings.



Figure 10: Garfield School House.

This boundary increase area was designated part of the NRHP Lewiston Historic District on November 21, 2018 and – with a slightly different configuration – given local status as part of an updated Lewiston West End Historic District the following year. (*Design Guidelines for the Lewiston West End Historic District*)

Normal Hill Heritage Overlay Zone

In 2016, the Lewiston City Council identified and adopted preservation standards for the Normal Hill Heritage Overlay Zone. This zoning designation impacts construction (or reconstruction) on exterior portions of buildings which are visible from the public right-of-way for all buildings constructed prior to January 1, 1940, or for buildings located within 100' of a building constructed prior to that date. All work which requires a building permit is subject to issuance of a Certificate of Appropriateness from the City's Historic Preservation Commission. (Ord. No. 4669, § 1, 11-28-16)



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Part 4: Application of Standards



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Part 4: Application of Standards

Application of Standards

Inevitably, historic property owners will find the resources and abilities to make property improvements. It is in the city's best interests to ensure that the proposed changes do not impact the character and integrity of that cultural resource negatively. Negative impacts can be temporary, permanent, or cumulative. The Lewiston Municipal Code recognizes that there is a public benefit derived from preserving the uniqueness of character properties. This public benefit justifies the imposition of some restrictions on changes to these buildings, and on infill development within the boundaries of the Lewiston West End Historic District.

Property owners with contributing historic structures located in the West End Historic District and within the Normal Hill Historic Overlay Zone must undergo design review. The City of Lewiston Historic Preservation Commission act as the doorkeepers to Lewiston culture by reviewing the

project proponent's plans and issuing certificates of appropriateness to those whose plans met or exceeded the applicable standards for historic preservation. In preparing an application before the Historic Preservation Commission, the property owner should do two things:

- Take inventory of the character defining features of their historic building, and
- Make informed decisions as to how the proposed work could impact the character of the building.

First, it is advised, especially with larger capital projects, that the proponent hire an architectural historian or historic architect. Having a subject matter expert on call will ensure the process of acquiring a certificate of appropriateness is relatively trouble free. With or without a cultural resource professional, the property owner should note those features that are character defining. Special attention should be paid to items such as the cladding, fenestration, and primary circulation areas. Historical features removed over time or replaced with inappropriate materials by prior property owners should be considered prime candidates for restoration.

Second, a value judgement must be made as to the relative impact of the proposed changes on the historic structure. As subjective as value judgements can be, it is important for the property owner to engage the Historic Preservation Commissioners in meaningful dialogue regarding the planned improvements, their impact on the building, and the overall character of the district.



Figure 11: Hestor House.



Part 4: Application of Standards

Process for Approval

As permit applications arrive, City Planners will notify the Historic Preservation Commission of work which could impact the district or overlay zone. Examples of projects which will likely include a review by the Historic Preservation Commissioners could include (but not limited to) alterations to circulation patterns, building demolition, in-fill construction, façade improvements, landscaping, and signage considerations.

The Community Development Department then notifies the property owner of the need for commission review. In anticipation of that meeting, the property owner should take the following steps:

- Justify the need to make the proposed changes, and
- Have project and site plans prepared for commission review.

Several considerations will be considered by the commission. A general understanding of the Secretary of the Interior Standards will be helpful



Figure 12: Brier Building, 1923. Chicago school commercial style, characteristically plain with large windows.

for both parties during the consultation process that leads to the issuance of the certificate of appropriateness. Minimizing harm and seeking compatible applications to the overall integrity of the historic structure are the primary driving forces in this consultation process.

In the West End Historic District, applications for Certificate of Appropriateness must be noticed in a newspaper of general circulation 10 days prior to consideration by the Commission AND mailed to property owners within 330 feet of the subject property 8 days prior to consideration by the Commission. In this way, the community is given notice that the Commission will be considering the application for certificate of appropriateness.

After consideration in a public meeting, the Historic Preservation Commission makes the decision to grant or deny the certificate of appropriateness. The decision of the Commission may be appealed to City Council.

The rehabilitation of historic structures must strike a balance between the needs of the property owner and the overall integrity of the historic district where the rehabilitation takes place. With proper consultation of the standards for rehabilitation, the property owner and the Historic Preservation Commission can come to an agreeable solution. There are certain key areas where consultation can help bring about win-win solutions for the city and the property owner:

- Primary circulation areas such as the walkway and the structure's main entrance can be refreshed but changes should be minimally intrusive.



Part 4: Application of Standards

- The pattern of the window fenestration, the size of the window openings, are distinctive. Care should be taken to repair historic windows. Replacement should only be considered as a last resort.
- Replacement windows should be compatible with the original design intent.
- Another circulation issue is vehicle traffic and whether the changes to the building will impede flow or on-street parking in the vicinity of the work.
- Infill structures in the historic district should be proportionate in size and oriented appropriately on its building lot. The scale of the infill structure and its finished appearance should conform and not clash aesthetically with the historical structures on that block.
- Historic cladding should be routinely cared for and maintained. Covering substandard cladding with modern building materials is rarely considered appropriate. Likewise, changing the building color may be allowable, however, consideration needs to be made to the original color pallet and to colors applied to adjacent properties.
- Distinctive architectural details such as parapets and cornices require periodic maintenance to ensure their long-term preservation. These details should be repaired and retained.
- Signs and awnings should not only meet code requirements but should also be compatible with the scale and massing of a historic building. Significant murals and ghost signs should also be preserved in place.



Figure 13: Largets' Appliance, Downtown Lewiston.

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Part 5: Architectural Styles in Lewiston



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Part 5: Architectural Styles in Lewiston

Without delving too deep into nomenclature, this plan will discuss various types of architecture that the reader can readily identify within the city limits of Lewiston. First, it is essential to note that there are several genres of architecture. Within each genre are several discernable subsets. When discussing the merits of a particular home in this document, we will assume that the home under consideration has already met the minimum age requirement for listing to the local Landmarks Register. The rudimentary genres considered for this document are Vernacular, Colonial, Classical, Romantic, and Twentieth-Century American. Vernacular.

Undoubtedly, the most abused word in the American architectural lexicon is the term vernacular. A vernacular-style home comprises construction materials that are locally sourced, like wood and stone. A post-modern revision to the definition of vernacular has caused some confusion. Unfortunately, some professionals include any otherwise indescribable twentieth-century home, built with materials acquired by a local supplier, as “vernacular.” However, sticking to the traditional definition, we see the vernacular style borrows extensively from the local landscape and site-sourced materials. Homes constructed in the vernacular include log or timber cabins, adobe, and sod or cob-constructed homes. These homes were popular during the era of western expansion because they were easy to build and required little capital outlay. However, vernacular-style homes have recently resurged in popularity using advanced construction techniques.

As far as landscaping is concerned, little to no emphasis is placed upon the landscaping of

vernacular-style homes. This lack of emphasis is because the vernacular home is meant to be an outgrowth, a sympathetic extension, of its natural surroundings. Naturally occurring plants are emphasized, with few, if any, non-native ornamentals added.



Figure 14: This replica of the original Idaho Territorial building illustrates true Vernacular construction. Materials were sourced locally. In constructing this frontier structure, a little piece of the old-world is incorporated. Often old-world adaptations were included to portray a feeling of permanence, trust or simply familiarity of design elements from a part of the country that those that migrated to this area had left behind. In this case a Colonnade of classical wooden pilasters has been added to the face of the building framing the centered entry door, which is symmetrically flanked by windows, themselves framed by the pilasters. The face of the building has been given a false façade, also known as a ‘Boomtown Front,’ mimicking massing of the large city commercial buildings. This structure is capped with a simple cornice element.

Part 5: Architectural Styles in Lewiston

Colonial Revival Styles

Colonial Revival Style homes are the earliest examples of homes planned and explicitly drafted for construction. These Colonial Revival style homes (sometimes referred to as English style) are predominantly found in the New England states. This style is simple in form and borrows extensively from the old country. As New Englanders ventured westward, they brought the familiar, old-world, style. Therefore, copious examples of this style can be found scattered throughout the country. Subsets of the Colonial style include Federalist, Georgian, Cape Cod, and Salt Box. These homes are rather basic in their shape and geometry. The roof lines tend to be ordinary but can be interrupted with shed or gabled dormers. The windows of colonial homes tend to be uniform in size and symmetrical. The fenestration, or window pattern, on two-story homes is repeated above and below. The landscapes of colonial homes tend to be

utilitarian or agrarian. Strong emphasis on classic ornamentals such as English ivy, crabapple, roses, and sunflowers dominate in colonial landscapes.

Classical Revival Styles

The Classical Revival Style of architecture centers upon a renewed interest in European high-style architecture, especially those found commonly in France, Greece, or Italy. These styles echo the old-world charm and borrow liberally from their forms. Subsets of the Classical Revival style include, but not limited to Beaux-arts, Greek Revival, and Italianate. These homes have more complicated geometry and stylistic features not found in vernacular or colonial styles. Often sophisticated landscapes are planned that augment the architectural style of the house. Exotic and rare plants dot the landscape features of these homes.



Figure 15: This Lewiston home is a nice example of a Colonial Revival home in the Adam style. While the lower windows have been combined at some point this diminishes the traditional feel of this home only slightly. Symmetrical features throughout including opposing chimneys along with a central entry door adorned above a fan detail. The entry is framed and covered by a slender arched portico supported by columns in the Doric tradition all work together form a classic Adam style home.



Figure 16: This home has borrowed its detailing from the Italianate style. This is revealed in its large central pedimented dormer, ornate cornice overhang is complete with dentils and a central arched window.



Part 5: Architectural Styles in Lewiston

Romantic Styles

The Romantic Style of architecture, much like the Classical, borrows heavily from European architecture and tends to be symmetrical and elegant, or grand. Subsets of the Romantic style include European Villas, French Chateau, Gothic Revival, Queen Anne, Richardsonian, Second Empire, Spanish Colonial, and Tudor.

Like the Classical Revival style, these Romantic forms of architecture are inspired by the European renaissance and highly formalized landscaping often accompanies the style. The use of geometric patterns is evident in landscape design. The formalized gardens tend to ignore local varieties for more exotic plant life.



Figure 17: This home's design explores the Spanish Colonial style but also borrows some elements from other Spanish traditions being also referred to as Spanish Eclectic. Flat roof with parapet design and expressed vents with tiled roof room projections, along with arched windows and porch. This is all constructed in with stucco in a manner to appear to be made of traditional adobe material.

Twentieth Century

Bold American ideals punctuate most Twentieth Century style homes. With Twentieth Century styles of architecture, you see a school of thought that casts off old-world traditionalism and embraces asymmetry. In the Twentieth Century style, American architects assert a style that is uniquely their own. The Twentieth Century Style subsets include American Ranch, Prairie Style, Bungalow, Art Deco/Moderne, Mid-century Modern, and Post-Modern.

Landscaping with Twentieth Century Style tends to be practical and durable, with expansive lawns edged with diverse plantings. The utilitarian nature of North American lawns is an extension of the function of the home for recreation and relaxation. Less emphasis is placed upon the variety of ornamental plantings. Rather than augmenting the form of the architecture, landscape design is often prepared to suit the homeowner.



Figure 18: This home is a wonderful example of a subdued Tudor design. Its asymmetrical layout with front gabled projection to one side along with its arched porch roof adorned with a complex eyebrow roof over the arched front door. A bit of classicism creeps into the design with the addition of two columns of the Doric order flanking the entry to the front porch.



Part 5: Architectural Styles in Lewiston



Figure 19: Falling into the larger style of “Modern” is the classic 3 or 4 level home. This home betrays its modern lineage with its flat roof garage roof element that extends along the front of the home leading one’s eye left to right to the home’s entry. The base of the home is solidly grounded to its site with a substantial amount of stonework. The upper 2/3rds of the home are sided in a quality board and batt siding producing a verticality to the home that is otherwise distinctly horizontal emphasized by the orientation of the mortar beds of the stone base and topped by a long low sloped roof.



Figure 20: Very classic example of an early ranch style home. It is growing a bit from its Post War roots and beginning to emphasize the long low horizontal lines so prominent in later, larger ranch style homes. Note the flying ridge line visible to the left as the gabled overhang reaches out further at the ridge helping the home to appear longer than it really is. Add to this the addition of an iconic carport, which reveals the embracement of the automobile age and societies desire for mobility.



Figure 21: This home is what might be considered a modern transitional home, encompassing elements of a few different styles. The Flat roof edges are pronounced giving the house a defined “lid”. These roof elements have wide overhangs like many Modern style homes which add 2 distinctive horizontal elements. The lower of these, again in this home, extend from left to right to lead the viewers eye directly to the entry door stopped abruptly by the strong vertical chimney. The interplay between horizontal and vertical lines appears to be purposeful. The massing of the building creates an interesting visual balance and has influence in the International style.



Figure 22: This post-war home is a transitional design between the Bungalow and Ranch homes. With the ending of WWII returning young soldiers were looking to start families and an easily and quickly constructed home was needed. The simpler lines spoke to the hearts of the younger generation as they were wanting to shed the concepts of the 2 story Victorian and Craftsman homes of their parents and grandparents’ eras. The relatively steep roof is still popular at this time.



Part 5: Architectural Styles in Lewiston

Commercial Building Styles

A thorough review of building styles found in the West End Historic District may be found in the *Design Guidelines for the Lewiston West End Historic District*. Lewiston, ID: City of Lewiston, 2019.



Figure 23: Liberty Theater, built 1902 as the Western Hardware and Implement Company. In 1920-21 the building was transformed into a theater with 800 seats.



Figure 24: Vollmer Block, 1883. A two-story, brick commercial building designed in the Renaissance Revival Style.



Figure 25: Lewis Clark Hotel, built in 1922. This U-shaped, Mission style stucco hotel building was designed by Spokane architect Kirtland K. Cutter.



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Part 6: Community Values & Priorities: Historic Preservation Survey



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Part 6: Community Values & Priorities

OVERVIEW:

A survey was developed in the spring of 2022 to help gauge community attitudes, familiarity, and satisfaction with historic preservation efforts in the community as part of a larger project to develop a Historic Preservation Plan for the City of Lewiston. Members of the greater Lewiston community, and in particular, community groups with an interest or affiliation with local and regional history, were invited to take the survey. These included the Beautiful Downtown Lewiston, the Nez Perce County Historical Society and Museum, the Nez Perce Tribe, Historic Preservation Commission, and others.

Methodology:

Cultural Reconnaissance crafted a survey using similar surveys issued by other Certified Local Governments in the region. These collated survey questions were then circulated amongst Lewiston staff members for consensus prior to circulation.



Figure 26: Idaho Grocery and Warehouse Annex.

Postcards were mailed to owners of property located within the Normal Hill Historic Overlay, the West End Historic District, and Historic Downtown, inviting their participation. The survey was posted online on the City's website, and emails were sent to partner organizations inviting participation by their membership. (Nez Perce County Historical Society, Beautiful Downtown Lewiston, the Nez Perce Tribe, and others.) Paper surveys were made available at community events in the downtown. A total of 63 surveys were returned.



Figure 27: Lewiston's Union Station.



Part 6: Community Values & Priorities

Summary:

The majority of survey respondents reported they were full-time residents living thirty or more years in or near Lewiston. These respondents viewed historic preservation as important to maintaining the unique character of the city's downtown landscape. Nearly two out three people participating saw themselves as being interested in public history and valued preservation as beneficial to their quality of life. Projecting the role of preservation into the future, the respondents felt historic preservation could help city planners to encourage investment into downtown revitalization. These survey findings are further analyzed below, and spreadsheets are included in the appendices.

Demographics:

The survey respondents were primarily full-time residents of Lewiston (78%), and identified themselves as having a general interest in history or historic preservation (66%). A majority (70%) utilize businesses in downtown Lewiston.

Respondents identified themselves as business owners (22%), educators or students (8%), owners of historic property (25%), or residents of a historic property (19%). At least two respondents reported being business owners who do not reside in Lewiston, and others are employed in Lewiston, but reside outside the city limits (10%).



Figure 28:



Part 6: Community Values & Priorities

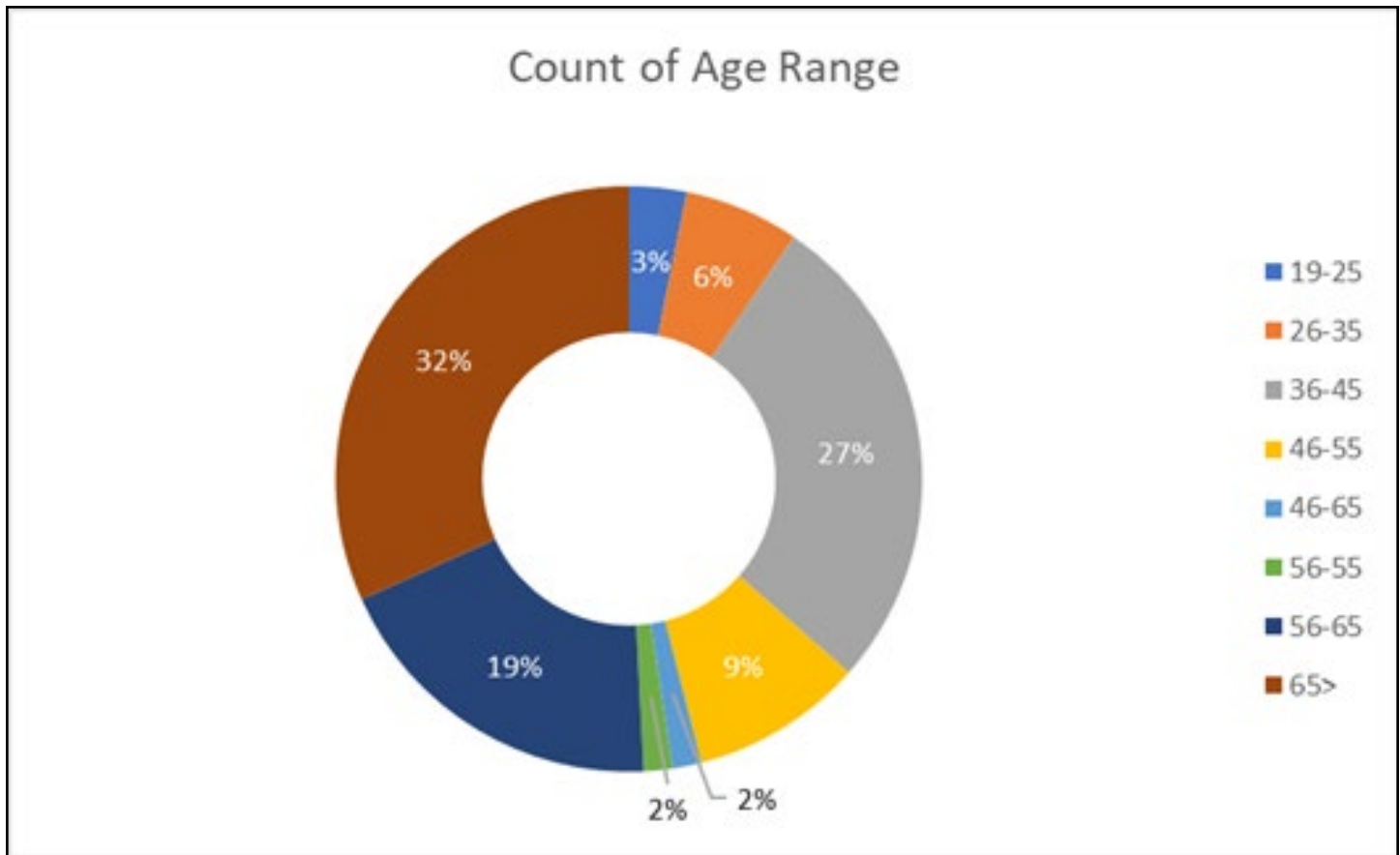


Figure 29:

The majority of respondents have a long association with Lewiston, with 48% living or spending significant time in Lewiston for 31+ years; 20% for 21-30 years; and 14% for 11-20 years. Respondents represented a range of ages, with 30% being age 36-45, 20% age 56-65, and 20% over age 65. However, no respondent claimed to be under the age of 18. (Questions #1-#4)

Attitudes Toward Preservation:

Survey Question #5 asked respondents to rank how beneficial historic preservation is to various aspects of community life. As might be expected from a population who have an interest in history, the majority of respondents feel that historic preservation is beneficial to defining community character, with 62% of respondents ranking this as one of their top two most important benefits. In a ranked response, respondents also view historic preservation as beneficial to development of local/heritage tourism (44%) and economic development (42%).



Part 6: Community Values & Priorities

The majority of respondents agreed that historic preservation can benefit the Lewiston economy by:

- Encouraging investment in the downtown corridor (69%)
- Renovation and reuse of historic buildings (66%)
- Increasing tourism (60%) and,
- Community participation in history projects or events (52%).

In a comment field, some negativity toward historic preservation was also shared. Although negative, some of these responses provide valuable insights into some of the shortfalls of historic preservation. However, there were several negative comments which had less to do with preservation as much as a general dissatisfaction with politics or Lewiston governance. Some of the more the reflective comments related to:

- Property maintenance concerns at historic properties with absentee owners
- Concerns that preservation rules prevent replacing windows with “updated, modern and energy conscience (sic) windows.”
- At least a few respondents indicated they did not feel historic preservation does benefit the Lewiston economy. (Question #6)

A majority of respondents indicated they were somewhat familiar with various groups advocating for historic preservation within Lewiston (46% of responses). However, 17% saying they were “very familiar,” 25% saying they were “pretty familiar.” (Question #7)

When asked how they feel historic preservation is viewed in the community, 32% indicated it is seen as an asset to the community, and 17% indicated it is seen as a hindrance to development. While two of three respondents saw preservation as an asset rather than a hindrance, a further 60% said that historic preservation is not well understood. The percentages exceed 100% because respondents were asked to select all the statements that applied. (Question #8)



Part 6: Community Values & Priorities

Information Sources:

When it comes to finding historical information about Lewiston, 46% of respondents identified the internet (including the city website, Facebook and other social media, and Google) as one of their sources. Others cited:

- The Nez Perce County Historical Society & Museum and other cultural groups - 26%
- The Lewiston Tribune - 17%
- Plaques, markers, and interpretive signs are a source of information - 11%
- The public library - 8%

(Question #9)

About half of survey respondents engage with other historical community partners (51%), while 44% do not. (Question #10)



Figure 30: Lewiston Vineyard Gate.

Part 6: Community Values & Priorities

Preservation Priorities:

When asked if the city has adequate programs to promote and/or educate residents and visitors about the city's history, results were fairly evenly split. A total of 41% either "strongly agree" or "somewhat agree" that City efforts are adequate, and a total of 33% either "strongly disagree" or "somewhat disagree," with the remaining 27% being "not sure." (Question #11)

When asked about their favorite historic building or neighborhood in Lewiston, Normal Hill was mentioned by 31% of respondents, along with the Downtown (13%), the Civic Theatre (11%), and the West End (10%). (Question #12)

To further identify places for which the community has affinity, a question was asked about what historic location or tradition/activity is a "must see" when family or friends visit. Those included visiting downtown Lewiston (20%), parks ranked secondarily including Hells Gate State Park and Locomotive Park (14%), closely followed by the Nez Perce National Historic Park Visitor Center and its surrounding park grounds (14%), the Nez Perce County Museum and the Snake River tallied (11%) each. Normal Hill (9%), and the top of Lewiston Hill (3%) rounded out the survey responses. Other community favorites mentioned included the Garry Bush tours, the Trolley Tour/Ghost Tour, the Territorial Capital, the canyon, the confluence, walking tours, and the levy paths. (Question #13)

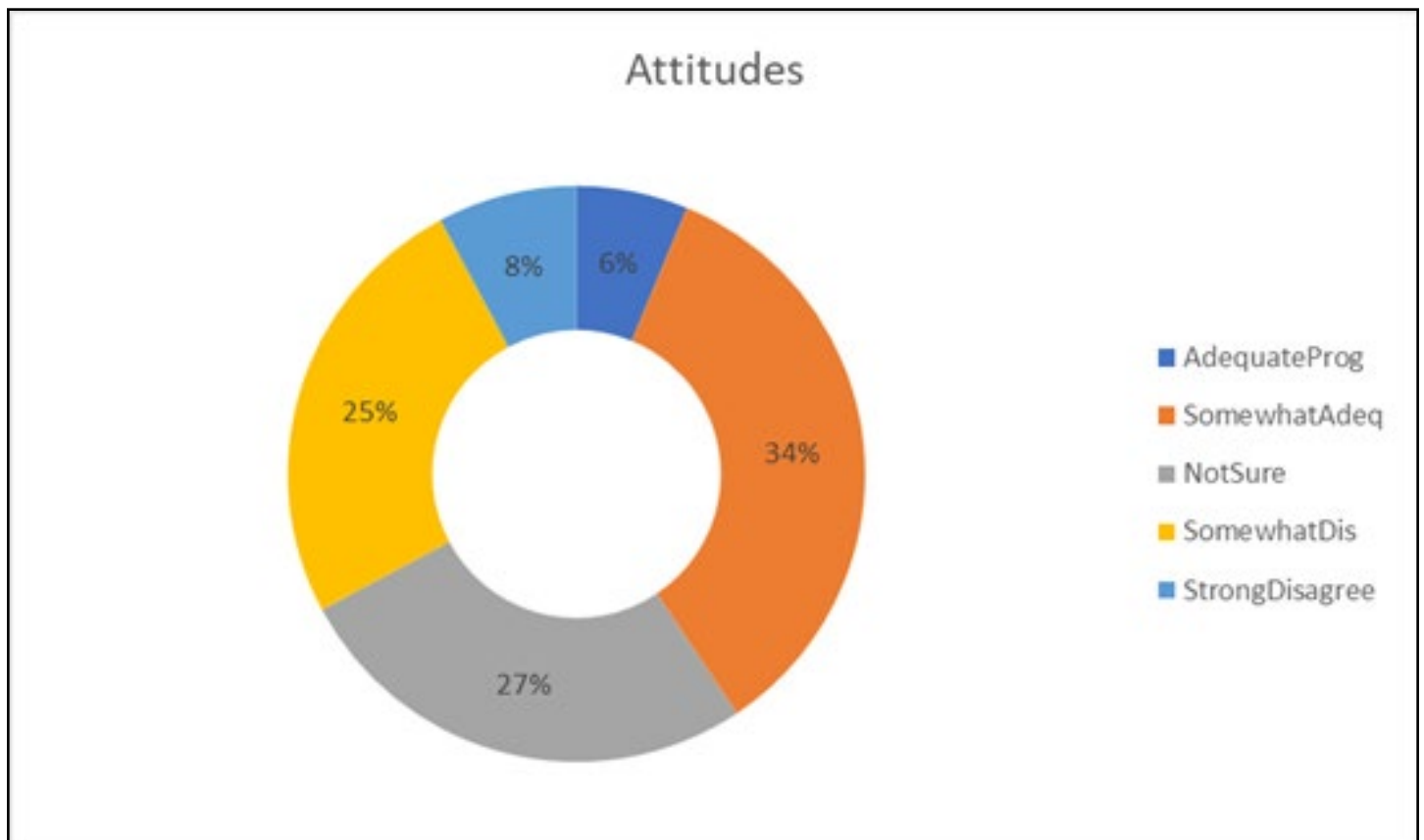


Figure 31:



Part 6: Community Values & Priorities

When asked about what buildings or places respondents worry about losing, there was a clear standout, with the Anne Bollinger Performing Arts / Civic Theatre mentioned by 41%. Other concerns were downtown buildings (20%), the Liberty Theater (13%), and private/residential buildings. (Question #14)

Survey respondents were given a list of reasons why it might be important to preserve and celebrate Lewiston's heritage, and were asked to select up to three responses, and rank them in order of importance. (Question #15) The highest ranked reasons were:

1. Supports retention of community character. (20 picked this as their #1 reason)
2. Improves quality of life and creates a livable community for long term and newer residents. (14 picked this as #1.)
3. Helps us value our past and share it with future generations. (14 picked this as #1.)
4. Raises awareness of the city's history. (13 picked this as #1.)

Notably, only 4 respondents picked as their #1 reason, "It can encourage tourists to visit Lewiston." This could indicate that residents value heritage primarily as a benefit for residents, and not as a draw for visitors.

Question #16 asked for respondents' biggest priority for historic preservation in Lewiston. The priorities receiving the most "top three" listings were:

1. Downtown building rehabilitation and compatible in-fill development. (52%)
2. Encourage more repurposing and refurbishing projects. (43%)
3. Identify and document historic properties in the city. (28%)

Those receiving the fewest "top three" listings were:

1. Increase the number of properties listed to the National Register. (1%)
2. Establish a Lewiston landmark register to provide local designation and controls that protect properties from demolition. (less than 1%)



Figure 32: Tamblyn House. Photo courtesy of Ian Poellet.



Part 6: Community Values & Priorities

Priority & Vision Question – Weighted Ranking

This question asked the survey respondent to rank or prioritize how they felt about the importance of the following themes in relation to historic preservation. The respondents ranked each of the themes from 1 to 5, with 1 being important and 5 being least important.

Once the ranking was completed and weighted averages were calculated, Downtown Rehabilitation ranked the highest with a score of 23.6, and National Register Listing ranked the lowest with a score of 2.0. Encourage Refurbishment and Financial Incentives ranked well with scores of 19.5 and 18.0 respectively.

Neighborhood Character, Identity & Document, Public Outreach, Celebrate Heritage, and Local Register, came in with scores of 16.7, 16.5, 16.5, 14.8, and 12.9.

Some respondents offered comments on their priorities which were not listed. These included:

- "Just because something is historic doesn't mean it's not time for a change. Some homes on Normal Hill are in awful shape. The old Civic Theatre needs to be torn down. Let's not save buildings just because they are historic. If they have little to no value, what's the point?"
- "Clean up the neighborhood, the historical designation does not effect the things needing most work to add value to the neighborhood."

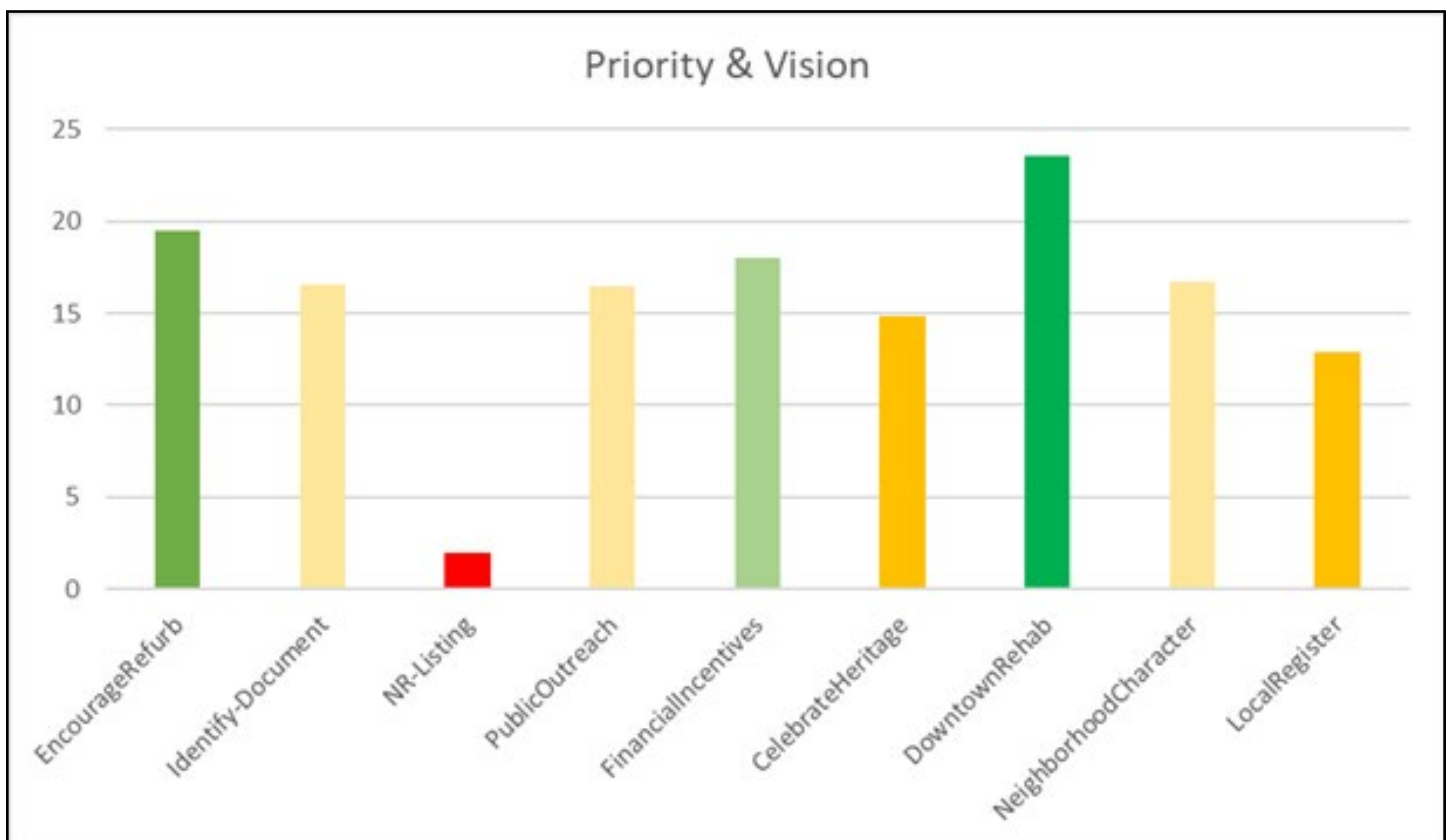


Figure 33:



Part 6: Community Values & Priorities

These comments suggest that property maintenance and code enforcement should play a significant role in historic preservation efforts in the community.



Figure 34: Thompson House, a cross-gable Gambrel style home.

Question #17 asked what Lewiston's vision should be for historic preservation, with the following results:

1. Encourage removal of blight and improvement of historic neighborhoods. (52%)
2. Reuse/Rehab of historic buildings for new uses. (51%)
3. Interpretation and presentation of historical information (kiosks, signage, etc.) (22%)
4. Other (please specify): 0%

Question #18 asked respondents to rank preservation relative to other city initiatives such as public safety, transportation, or other community issues. Nearly half of respondents (46%) suggested preservation is a medium

priority. However, survey respondents felt historic preservation was a low priority in comparison to other community issues (27%), with two respondents (3%) saying preservation is not a priority at all. Meanwhile, 22% said historic preservation should be a high priority for city planning.

Question #19 asked for input on what the term "historic preservation" means to individuals. A number of responses keyed in to the concept of appropriate treatment of historic buildings, and maintaining historic buildings in good repair. Some responses were rather vague and generic, such as, "Keeping things as they are," and "Saving old things." Considered in light of the responses to Question #8, that suggest the majority of respondents feel that historic preservation is not well understood, this could be an opportunity for increasing educational efforts – not about Lewiston history, in general, but pointing to the Secretary of the Interior's Standards for appropriate treatments for historic buildings.



Part 6: Community Values & Priorities

Report Card

The responses to Question #20 are a forum on how survey respondents feel historic preservation has been handled in the city up until now. Since adoption of Lewiston's initial historic preservation ordinance and establishment of the West End Historic District in 1976, protections for historic properties (by means of design review) have been in place. Owners of properties within the District have been long accustomed to the requirement for obtaining a Certificate of Appropriateness, and there appears to be a general understanding in the community that changes to historic buildings must be approached carefully, or at least there is a Commission whose permission must be sought for proposed changes.

It is not uncommon for property owners to chafe at restrictions on what may be done with buildings they own. As one respondent noted, "There is an attitude among residents that it means their freedom to improve their property is under someone else's control." The frustration by one respondent was clear in a comment offered to Question #5, which asked respondents to rank how beneficial historic preservation is at impacting various aspects of community life: "None. Let property owners replace single pane windows with updated, modern, and energy conscience (sic) windows!"

Some of these attitudes might be impacted through education efforts aimed at owners of historic properties which emphasize nationwide studies showing the efficacy of well-maintained historic windows (compared to vinyl replacement

units), or the exaggerated "return on investment" rhetoric offered by some replacement window manufacturers.

As the responses to Question #20 contained both positive and negative comments, it should be clear that many residents recognize the effectiveness of Lewiston's efforts to identify, protect and preserve historic properties. One respondent offered the following insight: "I believe that repurposing or rehabilitating existing historical buildings is a great practice of sustainability and environmentally conscious development that could be utilized to an even greater extent in the valley."

The City of Lewiston has a foundation for historic preservation which could be enhanced by targeted education: educating property owners about appropriate treatments for historic properties; educating the general public about how preservation of historic buildings contributes to the "sense of place" which they recognize and appreciate; and educating the business community about the economic benefits tied to preservation efforts.



Figure 35: Wyatt House.



Part 6: Community Values & Priorities

It could be noted that while survey responses were few from residents under 30 years of age, there were some respondents who expressed concerns about sustainability. As the preservation torch is passed to younger members of the community, education efforts which associate sustainability with re-use of existing buildings may resonate well with young preservationists. After all, “the greenest building is the one which is already built.”

It is recommended that the responses be considered thoughtfully by the HPC and City staff in order to better understand how the City’s historic preservation efforts are perceived in the community.



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Part 7: Geographic Analysis



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Part 7: Geographic Analysis

In general, to be considered for designation as a historic building, a structure must be 50 years or older. A geographic analysis of Lewiston's housing stock age was completed using construction dates from the Nez Perce County Assessor's Office, and including properties listed in the National Register of Historic Places, as identified by the Idaho SHPO.

Growth and development patterns are clearly illustrated on the maps generated, with the earliest dates of construction located closest to the rivers which served as the shipping and transportation hub for the community. It is clear that the town was born in the area closest to the confluence of the Snake and Clearwater Rivers.

The earliest residential structures were built south of the business district, an area which contains a dense grouping of the best preserved residential properties in the community.

The progression of construction in later years is shown by color bands radiating south and east from the designated historic districts.

The City of Lewiston has chosen to focus its preservation efforts on these two geographic areas, shown in Figure 34 (following page). The first, the Lewiston West End Historic District, encompasses the historic downtown commercial center. The second, known as the Normal Hill Overlay Zone, is residential in nature.

The GIS data layers generated in conjunction with this plan highlight all National Register listed properties in Lewiston. Included in the layers are those historic properties found outside the West End Historic District and the Normal Hill Heritage

Overlay Zone.

Properties inventoried or register-listed, are shown as colored dots in Figure 36, and the concentration of those dots shows clearly the reason the Lewiston West End Historic District and Normal Hill Overlay Zone were established. Most of the properties identified as historic are located within the two designated historic districts.

Zoning restrictions are in place to protect historic properties from modifications which would result in negative impacts. *Design Guidelines for the Lewiston West End Historic District* were adopted by the City in 2019, and the Historic Preservation Commission reviews proposed changes to structures within the district.



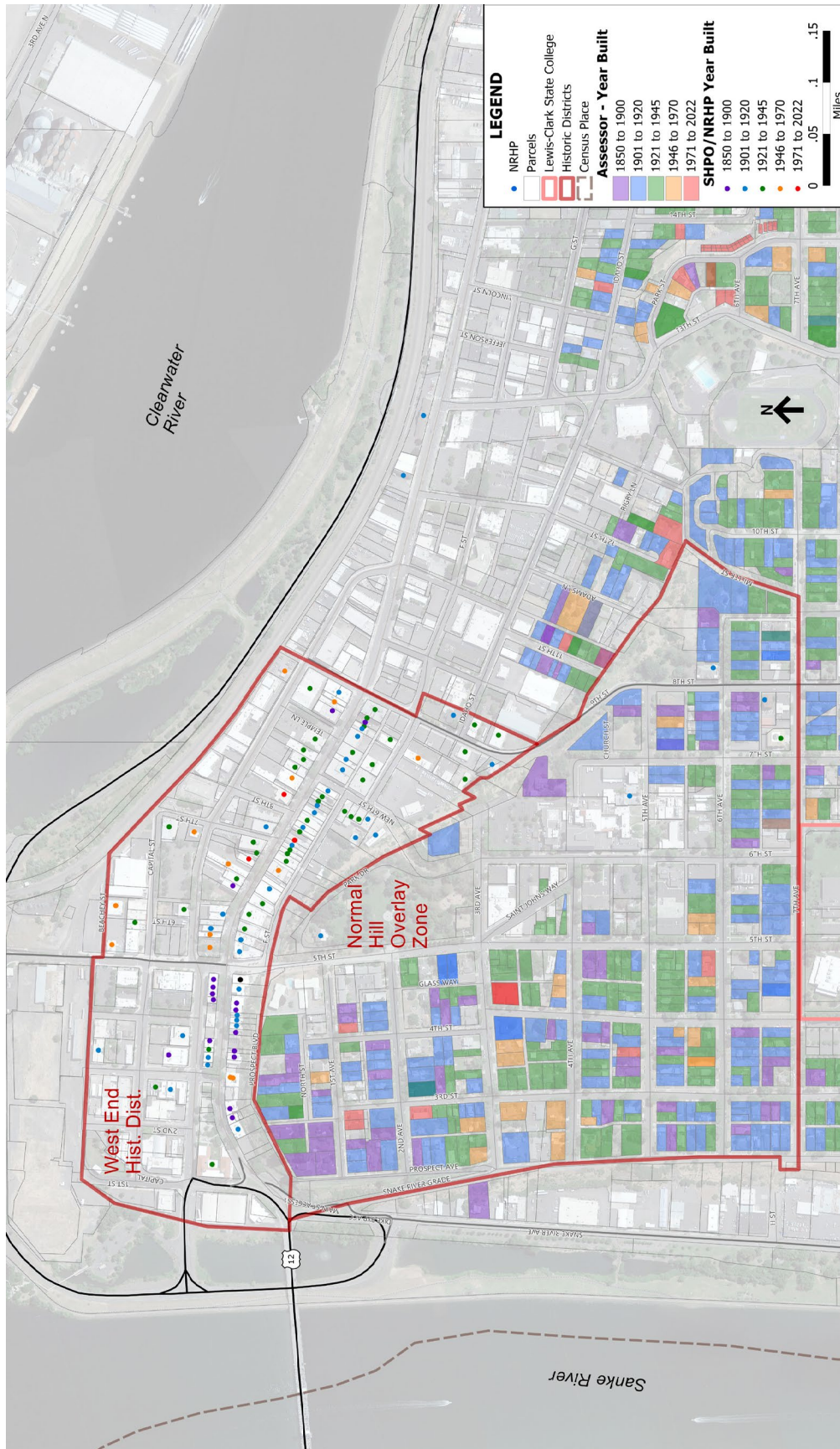


Figure 36: West End Historic District and Normal Hill Heritage Overlay Zone. (Data from Lewiston GIS Department, 5/6/2022, and Idaho State Historical Society Open Data GIS Hub, 5/20/2022).

Part 7: Geographic Analysis

Figure 37 (following page) indicates construction date of structures within the Lewiston city limits, based on the data provided by the Nez Perce County Assessor's Office. While the construction dates are not indicated for all structures in the county's database, a pattern of development can be seen with the purple and blue shading indicating construction dates which range from 1850 up to 1920. Green shading indicates structures built from 1921 to 1945, and gold shading indicates construction dates from the post-World War II era through 1970.

The structures in these areas would meet the threshold for register listing by reason of their age, but no reliable data has been collected to indicate their eligibility by other criteria.

National Register-listed properties are identified on Figure 38 and Figure 39, and are illustrated throughout this plan. National Register properties in Lewiston include:

- Booth House (Figure 1)
- The Carnegie Library (Figure 8)
- The Children's Home of North Idaho (Figure 9)
- Garfield Schoolhouse (Figure 10)
- Hestor House (Figure 11)
- Idaho Grocery & Warehouse Annex (Figure 26)
- Lewiston Union Station (Figure 27)
- The Lewiston Vineyard Gates (Figure 30)
- Tamblyn House (Figure 32)
- Thompson House (Figure 34)
- Wyatt House (Figure 35)

The City of Lewiston places only general code restrictions upon owners of designated properties located outside of either the district boundaries or the overlay zone.



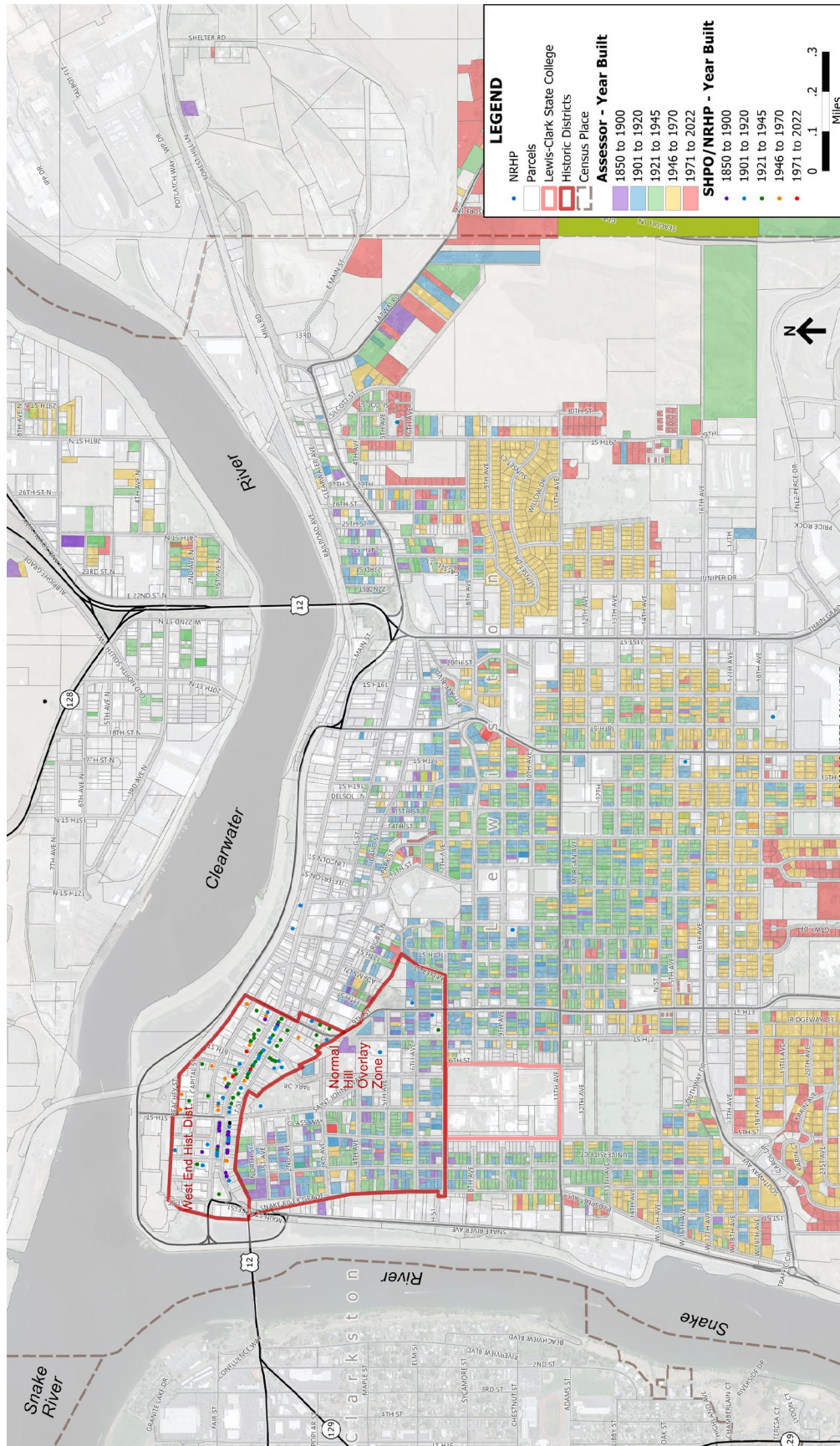


Figure 37: Showing pattern of development which radiated south and east from the early Lewiston townsite, which grew up at the confluence of the Snake and Clearwater Rivers.



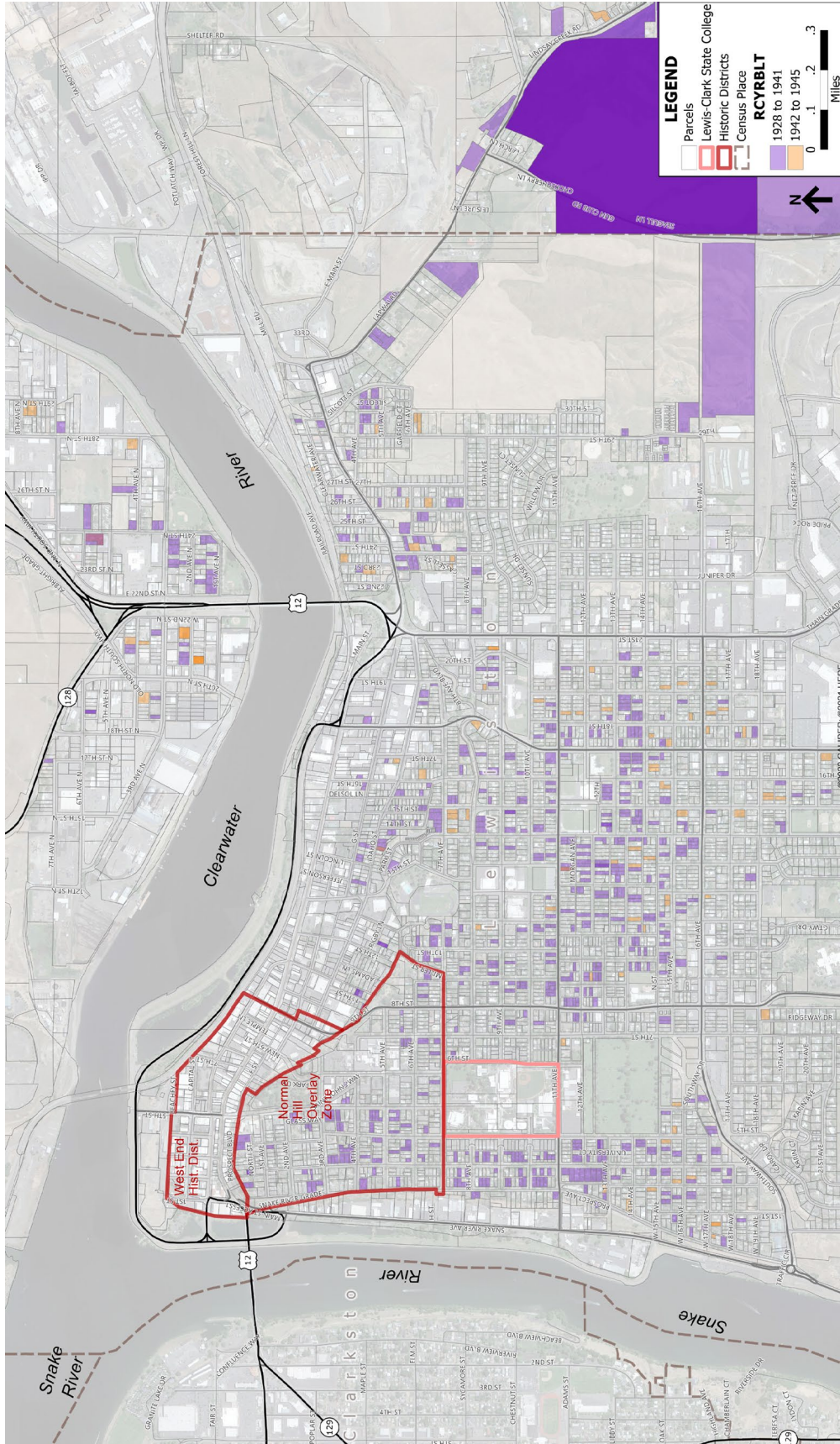


Figure 38: Showing construction date of structures according to Nez Perce County Assessor data, provided by City of Lewiston GIS Department, 5/6/2022.

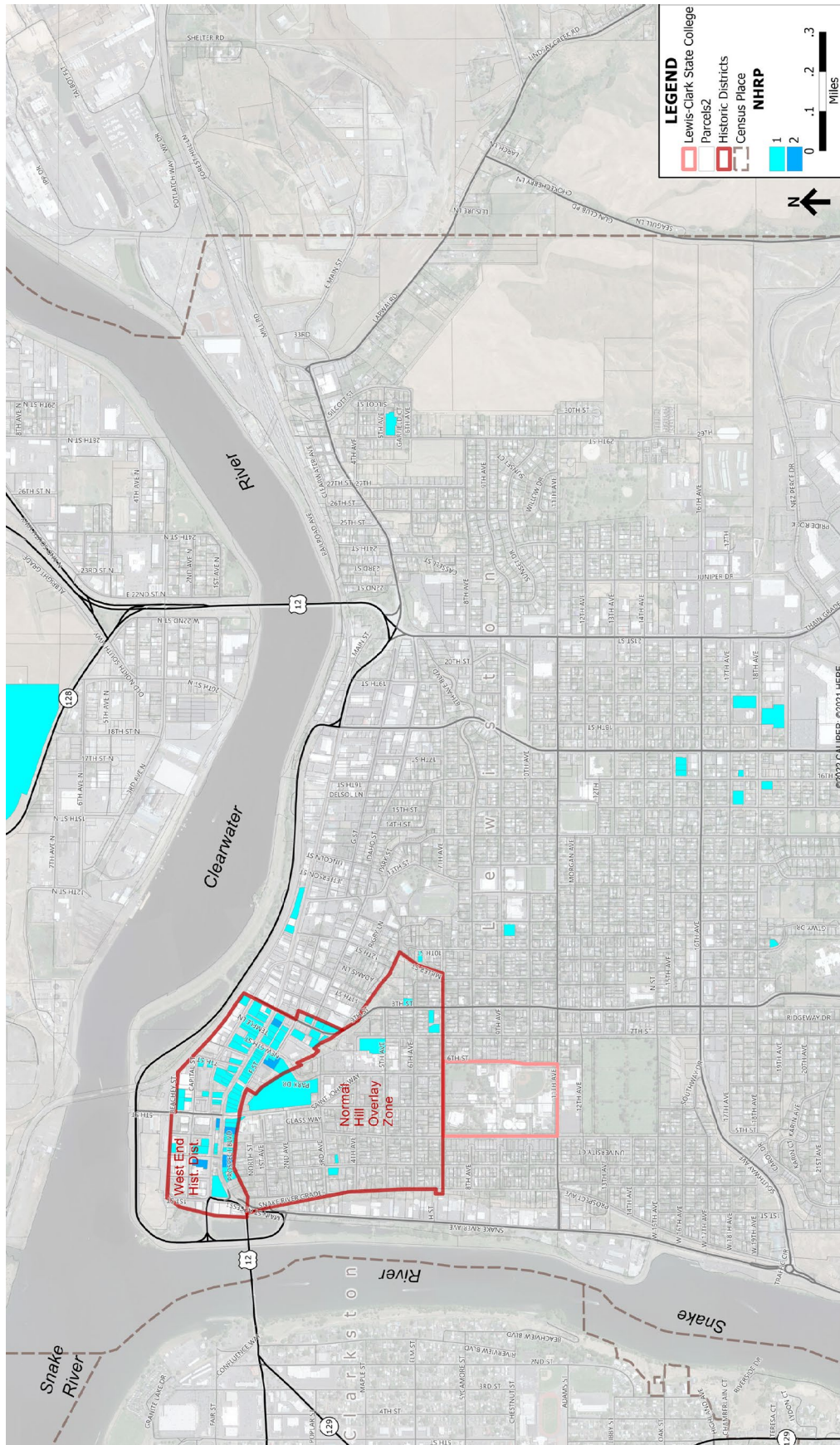


Figure 39: Showing parcels which contain 1 or more properties listed in the National Register of Historic Places.

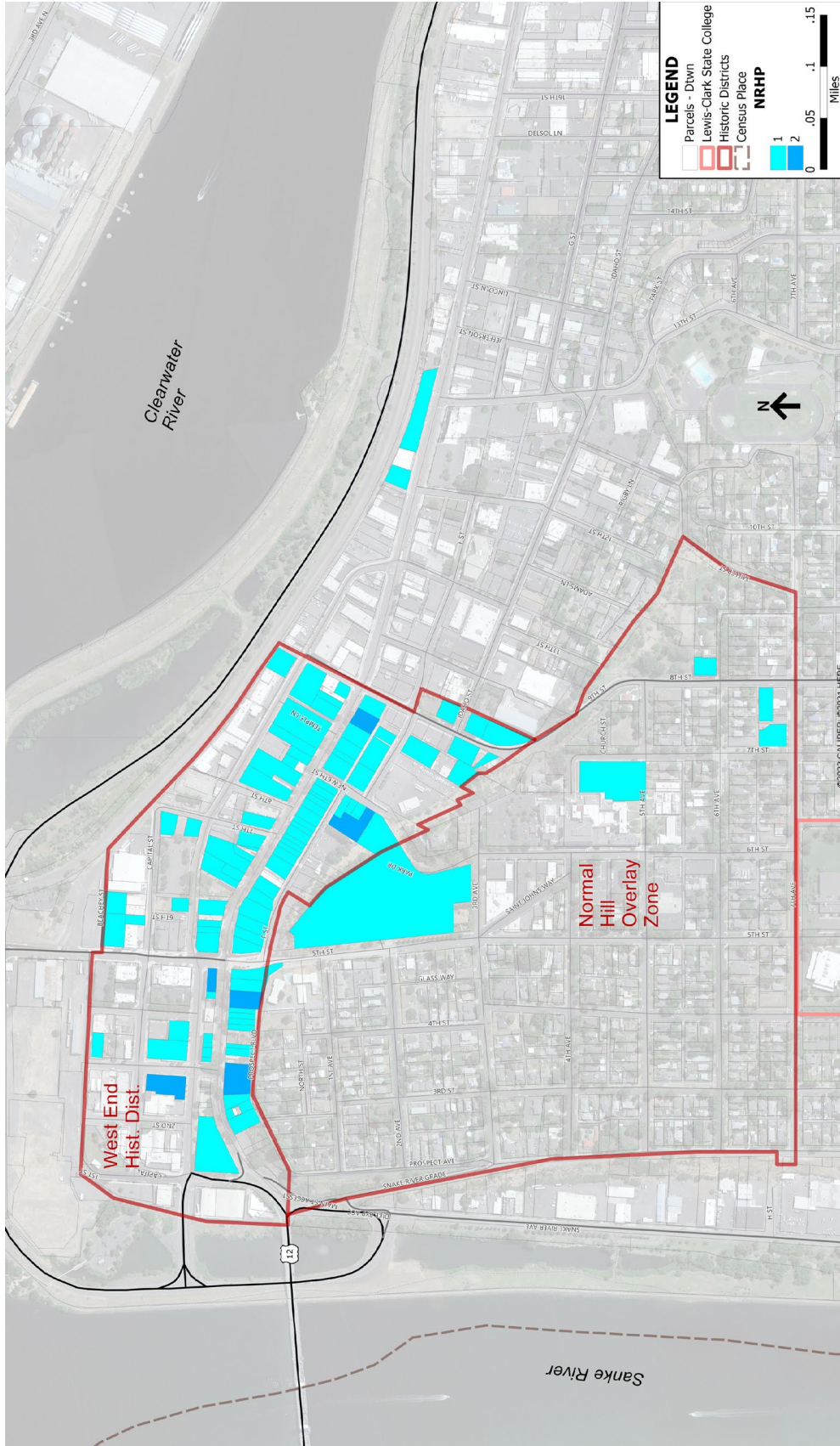


Figure 40: Showing National Register listed properties within the West End Historic District and Normal Hill Overlay Zone.

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Part 8: Historic Preservation Goals & Objectives



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Part 8: Historic Preservation Goals & Objectives

INTRODUCTION

The goals for historic preservation in Lewiston were gleaned from a variety of sources including the 2022 public survey, conversations with Idaho State Historic Preservation staff members, and from secondary sources. The focus of these goals is in four principal areas of resource management: Identification, Documentation, Protection, and Education.



Lewiston's historic preservation program has been in place since the 1970s. At the time of adoption of this plan, a local register district now encompasses the earliest center of commercial activity, and a zoning overlay covers the oldest area of residential development.

City staff and Commission members have indicated that they believe the Nez Perce County Historical Society regularly engages in identification and documentation of potential historic resources,

which may be of sufficient detail to build on for future historic preservation planning.

During preparation of this Historic Preservation Plan, attempts to verify the type and extent of any survey or documentation of historic buildings by the Nez Perce County Historical Society were unsuccessful. Responses to specific inquiries about documentation of historic properties indicated that the Historical Society is not involved in any type of survey other than "internal projections of needs to expand what we archive and what we do to digitize the photographic and print items" in their collection. While that organization may indeed have records relating to development of the built environment in Lewiston, those records are not likely to meet State or Federal standards for identification and documentation of historic properties.

The geographic analysis of building age undertaken during development of this Preservation Plan suggests that patterns of development and construction have progressed in a discernible pattern, and as those areas reach the 50-year mark, additional identification and documentation by the City may be warranted.

Thematic considerations should also be considered as an organizational goal. Districts can comprise objects which have shared significance to the community. A practical example could be the Fire Stations of Lewiston, or City of Lewiston Sacred Places. More and more, thematic districts nominations are used to help better understand the historic roles of under-represented people groups in the community. District nominations could be prepared based upon the societal roles played by



Part 8: Historic Preservation Goals & Objectives

members of the Nez Perce Nation, by Lewiston women pioneers, or localities that accommodated vacationing African Americans as listed in one the Green Book Travel Guides.

GOAL #1: IDENTIFY AND DOCUMENT THE CITY'S HISTORIC AND CULTURAL RESOURCES

With each successive decade, a new batch of properties becomes of an age for consideration as cultural resources. Periodic survey and inventory of historic properties gives planners the ability to identify aging building stock. Historic surveys can be used to determine the overall integrity of that building stock and determine the presence of absence of a future historic district, or whether current district boundaries need to be adjusted.

Policy 1.1

The City should undertake a targeted effort of survey and inventory on a regular basis to better come to grips with building stock as it progressively becomes historically significant.

Action Steps:

- Develop a plan to work with both the Idaho SHPO and with the Nez Perce County Historical Society to gain the funding necessary to accomplish the goal of survey and inventory, documenting potential historic properties to Idaho SHPO standards.
- Work with Nez Perce County Historical Society to guide the city through the process of leading a neighborhood survey.

- When significant properties are identified, the city should make nomination to list them in the National Register of Historic Places.

GOAL #2: PROTECT THE CITY'S HISTORIC AND CULTURAL RESOURCES.

The City of Lewiston has codes and standards crafted specifically for maintaining the unique characteristics of the community. Code enforcement and HPC help to guide historic property owners' efforts in preservation, and in making appropriate modifications to the exteriors of historic properties.

Policy 2.1

The City should expand property maintenance and code enforcement activities, particularly in relation to historic properties.

Action Steps:

- Targeted communications with property owners, business owners, and residents inside historic districts to encourage compliance with existing property maintenance codes.
- Outreach to property owners who live outside the Lewiston area to emphasize the benefits of regular maintenance, including increased property values.

Policy 2.2

The City should look for opportunities to support owners of historic properties by means of financial incentives, streamlining permitting and design review processes, and maintaining a list of resources available.



Part 8: Historic Preservation Goals & Objectives

Action Steps:

- City staff and HP Commissioners should promote the use of Historic Preservation Tax Incentives offered by the Idaho SHPO and the National Park Service.
- The City could consider creation of a low-interest commercial revolving fund to help defray extraordinary costs associated with meeting appropriateness standards or making façade improvements, or a no-interest residential revolving fund to help homeowners rehab historic wood windows rather than replacing them with modern vinyl units. The funds would not be used to pay for the project entirely, but could bridge the financial gap between modern replacements and appropriate rehabilitation. The funds could be resupplied over a specified time, or forgiven on a case-by-case basis as new funding becomes available.
- A resource list might include contractors who are familiar with historic construction methods, stucco repair, window rehab, masons, blacksmiths, etc., or preservation architects, or accountants who are familiar with federal tax credit projects.

Policy 2.3

The City should recognize and promote praiseworthy efforts to beautify Lewiston and make the community more livable, particularly in the West End Historic District and Normal Hill Historic Overlay Zone.

Action Steps:

- This could include a series of social media posts aimed at discussing the benefits of protecting historic character, such as increasing property values, or recognizing the value of embodied

energy when it comes to preserving original building materials.

Policy 2.4

The City should incorporate the Historic Preservation Plan into the City of Lewiston Comprehensive Plan.

Policy 2.5

The City should participate in Section 106 Mitigation. When local projects involving federal funds negatively impact historic properties, the HPC should participate in discussions with the agencies involved to mitigate the impacts.

GOAL #3:

PROMOTE HISTORIC PRESERVATION BY DEVELOPING MUTUALLY BENEFICIAL PARTNERSHIPS WITH LOCAL COMMUNITIES AND ADVOCACY GROUPS WHOSE VALUES AND INTERESTS ALIGN WITH THE CITY'S IN THE AREAS OF HERITAGE, ARTS AND SUSTAINABILITY.

Policy 3.1 Consultations

The City should recognize Lewiston's historic and cultural roots by expanding respectful interaction with the Nez Perce Tribe and the Nez Perce County Historical Society.

Policy 3.2 Engagement

The City should encourage citizens who have gone through the Certificate of Appropriateness process to give feedback, including advice to new applicants.



Part 8: Historic Preservation Goals & Objectives

Action Steps:

- Identify one or more staff members or elected officials to coordinate communications between city staff and tribal staff.
- Initiate a regular quarterly meeting with representatives of local advocacy groups to informally discuss items of mutual concern or interest. This could take the form of a brown bag lunch, alternating locations each quarter.
- Identify one or more community members who have had positive experiences with the CoA process who might be willing to advise or mentor new applicants.

GOAL #4:

INFORM AND ENGAGE THE PEOPLE OF LEWISTON TO BETTER INTEGRATE HISTORIC PRESERVATION FOR THE EDUCATION, ENJOYMENT, AND WELFARE OF THE COMMUNITY.

Policy 4.1 Elected Official Engagement

Incoming elected officials should be invited to participate in an orientation session that includes a presentation on the role of the HPC and its responsibilities.

Policy 4.2 Historic Preservation Training

Ongoing professional development should be provided for CLG Commission staff and Historic Preservation Commissioners in preservation goals, processes, standards and best practices.

Action Steps:

- Host periodic Cultural Resource Training with subject matter experts as cadre including members of the Nez Perce Tribe, Idaho SHPO,

and advocacy groups such as Preservation Idaho.

- Seek Idaho CLG funding for HPC members and Community Development staff to attend historic preservation conferences and trainings on a regular basis, including Preservation Idaho's annual conference
- The HPC should take the lead on discovering and educating the public on how to take advantage of Green Deal tax breaks and tax credits for energy-saving retrofits that are appropriate for historic properties.

Policy 4.3 Civic Transparency

Understanding that historic properties will change hands, the City should work to increase transparency in the property transaction process so that potential purchasers understand the implications of ownership of a historic property.

Action Steps:

- Creation of a brochure for use by local real estate agents during historic house showings. Language for this could be similar to the Enriching the Future with Lewiston's History.
- Reaching out regularly/annually to area realtors and title companies to inform them of historic district boundaries, the impacts of register listing, and incentives available to purchasers/owners of historic properties (such as the Federal Tax Credit program for income-producing properties).
- Develop an email list, starting with citizens who responded to the Historic Preservation Survey, and send periodic (monthly or quarterly) short messages with timely preservation-related information.
- Develop an outreach for local construction



Part 8: Historic Preservation Goals & Objectives

contractors which identifies the type and extent of work for which a Certificate of Appropriateness is required.

- Expand preservation information on the City website to include info valuable to commercial property owners. The site now leans favorably towards owners of single family residences. Include welcoming language which invites public participation in historic preservation and attendance at HPC meetings.
- Communicate annually with owners of properties by means of an annual mailing (or door hanger) which summarizes the Lewiston historic preservation program, and limitations on changes which may be made to buildings without formal review and approval. Available resources will be promoted, including the *Design Guidelines for the Lewiston West End Historic District* (2019), and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, and the *Preservation Briefs* technical leaflet series.

Policy 4.4 Property Owner Engagement

The City shall engage owners of historic properties to educate and inform of the benefits of historic preservation, and the responsibilities associated with ownership of historic properties.

Action Steps:

- Encourage owners of historic properties, whether they be residential or commercial, to learn best practices for the care and preservation of historic properties.
- Educate property owners on the incentives for good stewardship of their properties.

- Collect histories of individual properties for the benefit of the Community Development Department, the Nez Perce County Historical Society, and the main branch of the Lewiston library.
- Owners of businesses located in the historic district should be encouraged to lean on the historic character of the property in the advertising and marketing campaigns.
- Ask City Council to designate May as Historic Preservation Month in keeping with State of Idaho and National efforts.
- Several HPC members mentioned having a special annual community event that formed the basis of citizen involvement. These annual events tend to be far larger than the staff of the HPC can manage. However, if elevated to a city sponsored event, the responsibility of planning falls on many shoulders.

Policy 4.5 Promote Heritage Tourism

The City shall support efforts to develop and expand heritage tourism as an economic driver.

Action Steps:

- Improve interpretive signage and promote the existing West End Historic District Walking tour (map and associated plaques).
- Encourage property owners to install plaques recognizing historic properties, where appropriate.

Policy 4.6 Recognize Excellence

The City shall encourage cultural resource protection through recognition of individuals, organizations and advocacy groups whose efforts exemplify excellence in the field of historic preservation.



Part 8: Historic Preservation Goals & Objectives

Action Steps: Orchid Awards

The purpose of the Orchid Award program is: “to celebrate those individuals and organizations that have made a positive contribution to historic preservation, and in turn bring awareness to those projects that are noteworthy examples of restoration and preservation that keep the city’s cultural heritage alive.” (City of Lewiston, <https://cityoflewiston.org/430/Historic-Preservation-Commission>)

Conducting Historic Preservation as a practice requires purposeful intention. This means doing the right thing even when it is not prudent. If an action has the ability to impact the cultural environment, discuss with professionals and practitioners the best means by which to lessen potential harm. Those means may cost more in the short run, but the trade-offs in terms of preserving Lewiston culture and its identity could be rewarded in other ways with lasting benefits.

The Orchid Awards, hosted annually by Preservation Idaho in Boise and biannually by the Lewiston HPC, honor those who did not cut corners, who strove for excellence, and those that realized there was more to gain when the budget did not motivate their actions.

The Lewiston Historic Preservation Commission seeks nominations both within the organization, and from community members for persons and projects that achieve excellence.

The Orchid Award committee recognizes individuals and corporations who have achieved distinction for excellence in the field of Historic

Preservation via the following contributions:

- Lewiston Historic Preservation,
- Cultural Heritage,
- Heritage Stewardship,
- Sensitivity to Preservation in New Construction, and
- Friends of Historic Preservation.

The HPC should actively seek nominations year-round for new honorees. HPC members are encouraged to advance local award winners to Preservation Idaho for statewide recognition, where appropriate.



Part 8: Historic Preservation Goals & Objectives

CONCLUSIONS

The quality of daily life for the average resident improves when the leadership has a clear vision of the future. Municipal planning documents, such as this one, provide the necessary tools for city leadership to have a clear view of the issues surrounding a matter, such as the role of historic preservation in retaining the character of a community. Preserved character is an essential aspect of a community's cultural identity.

Enforceable codes demonstrate to the public that all rules are applied fairly and objectively. City officials are not isolated when it comes to issues surrounding the historical integrity of Lewiston. Lewiston City Staff would know when to take active leadership and when to follow the initiative of its preservation partners. In either role, the City should always encourage efforts in historic preservation and advocacy in Lewiston. The best way to accomplish this end is to participate in or endorse staff training in historic preservation.

Recognizing excellence encourages and reinforces positive and professional behaviors critical to citizenship and overall livability. Sharing ideas with neighboring communities of similar size helps to sharpen and shape both communities for future growth. Inspire property owners to breathe new life into historic building stock downtown and in Normal Hill. Walkable cities are safe cities. When businesses feel safe, they stay open longer. A city with active nightlife creates a reliable tax base for local governments. These goals are achievable when the City leadership clearly sees Historic Preservation's role in making Lewiston an Idaho destination.

Responses to the Historic Preservation survey were generally positive, with most respondents being full-time residents aged 26-45 and having resided within the community for upwards of 30 years. Survey respondents are interested in Lewiston's history as a means of understanding their community. Most encouraging data from the survey indicated that 75% of respondents utilized locally owned businesses downtown. These individuals concluded that Historic Preservation is responsible for retaining community character.

Two responses stood out when asked about the benefits of preservation: Lewiston residents clearly understood that historic preservation encourages capital investment in downtown infrastructure through renovating and the purposeful adaptive reusing of otherwise marginal structures. Survey analytics demonstrated that Lewiston residents were at least somewhat aware of the activities of preservation advocacy groups through either mass or social media outlets. However, a consensus indicates that the benefits of historic preservation to the Lewiston community need to be better understood and that city leaders and preservation advocates need to do a more thorough job of educating the local population.

In prioritizing preservation, three issues rose to the top of survey responses. Presented in order are:

- Historic building rehabilitation and the compatibility of in-fill development.
- The civic encouragement of repurposing and refurbishing aging structures.
- Making known the financial incentives available for historic preservation.



Owners of historic-era resources in Lewiston downtown and the Normal Hill Overlay Zone expressed concerns about the City's code enforcement. This genuine concern revolves around the issue of various forms of blight, especially on properties held by absentee owners.

Finally, in advancing Historic Preservation as a community initiative driven by local leadership, most respondents thought preservation awareness was nearly as important as public safety.

#



Glossary of Key Terms



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Glossary of Key Terms

Acquisition: The act or process of acquiring ownership, or custodial responsibility for a historic property. The Standards for acquisition include the careful consideration that will be given to ownership rights that are required to assure the preservation of the artifact. Key to the preservation of the artifact owner objectives that are clear and based upon solid planning.

Adaptive Use/Reuse: The conversion of a building to a use other than that for which it was built.

Alteration: The addition to, removal of or from, or change in appearance of any exterior part or portion of an historic property or landmark or property within an historic district, or a change to the interior of an historic property or landmark that affects the exterior appearance of such, not including normal maintenance and repair.

Character Defining Feature: Building or landscape components that contribute to the historical or architectural interest or significance of a resource

Compatible Use: Minimal alteration of the building, structure, or site and its environment, or using a property for its original use.

Contextualization: The process of altering a building, object, or structure in an effort to thoroughly modernize without regard for the historic design, craftsmanship, integrity of the structure, or its transcendent importance. In a contextualized restoration, although the finished product may still resemble a historic structure, little of the original material remains for historic interpretation purposes.

Contributing Resource: A building, structure, site, or object within a historic district that enhances the qualities of historic significance.

Conversion: The act or process of altering or rebuilding a building, object, or structure to affect a representation of, or a resemblance to, differing type or class of building, object, or structure; also, the product of such a process.

Cultural Resource: A comprehensive term that encompasses buildings, structures, districts, objects, and sites, including archeological sites, of historical interest or significance.

Define: The first step in the regulatory compliance cycle which not only involves the project scope of work, but also involves knowing degrees of magnitude the project impact will have on resources located both above and below the ground.

Demolition: Razing, destroying, dismantling, defacing, or in any other manner causing partial or total ruin of an historic property or landmark.

Demolition by Neglect: The destruction of a building or structure caused by the failure to perform routine maintenance over a period of time.

Evaluation: The process of determining the relative significance of a cultural resource by trained professionals who assess the integrity of the site using a prescribed set of standards. The professional defends a decision as to the resource, or resources, relative significance to local or national history based upon those standards.



Glossary of Key Terms

Historic District: Any definable area whose contents includes or encompasses historic sites, or properties that have similar or related characteristics, a sense of cultural cohesiveness, or any combination of these attributes. A determination of a district's eligibility can be made at the federal level by the National Park Service; the state level by the State Historic Preservation Office; or by the local Historic Preservation Commission. (Also see Thematic Districts).

Historic Fabric: Material remains of a historic artifact or object, whether original materials or materials incorporated in a subsequent historically significant period.

Historic Preservation: The research, protection, restoration, and rehabilitation of buildings, objects, districts, areas, and sites significant in the history, architecture, archaeology, or culture of the city, of Idaho, or of the United States. (also see: Preservation)

Identify: Detailed information provided to reviewers, by the project proponent, to make a declaration as to whether it is known that cultural resources are present within the area previously defined.

Integrity: The authenticity of an artifact's historic identity, as evidenced by the survival of characteristics such as plan, form, use of materials, and craftsmanship that existed at the time the object was created.

Maintenance: The ordinary care needed to keep a building or structure in good repair; generally, requires minimal or no change in materials.

National Register: The United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance.

Non-contributing Resource: A building, structure, site, or object within a historic district that lacks qualities of historic significance.

Preservation: The act or process of applying measures designed to sustain the existing form, integrity, and material of the historic object. It may include stabilization work as well as on-going maintenance. The Standards state that a substantial restoration, where many missing features are recreated, would not be considered a preservation effort.

Protection: The act or process of applying measures designed to affect the physical condition of the historic item, by defending or guarding from deterioration, loss, or attack, or to cover or shield against danger or harm. Such treatment is generally of a temporary nature and anticipates further historic preservation treatment. The standards for protection shall ensure physical condition of the artifact is safeguarded and protected from further harm by forces of nature or human intrusion. When it becomes necessary to remove historic materials or features (such as to protect against theft or vandalism) the items will be properly recorded and stored for possible future study, or re-use.



Glossary of Key Terms

Reconstruction: Is a newly constructed object using historic plans and building techniques with little or no historic materials used. It can also be defined as the object created as a result of a reconstruction effort. A reconstruction is an exact replica (though it could mean a reasonable facsimile) of the historic structure. Reconstructions help museums and historical societies fill in key portions of their interpretation goals when historic artifacts are missing.

Reproduction: A modern reinterpretation of a historic structure. In this instance, the structure is constructed using the historic plans merely as a guide. Modern techniques and building materials are used to construct the object with little thought given to historic materials and craftsmanship. You must be cautioned that this form preservation would not be considered appropriate by National Parks Service Standards. A typical example of this type of preservation would be a modern utilitarian depot structure built to replace a historic depot that was demolished many years ago.

Most real-time examples of “reconstructions” actually fall between these two extremes mentioned above with the reconstructed object looking similar to the historic piece but with code compliant additions built-in for added serviceability and functional utility.

Rehabilitation: Is defined as a conversion from a historic use to an adaptive use, (sometimes referred to as a ‘re-use’) through a process of repairs and alterations that make possible an efficient return to functional utility while preserving those features of the object that are significant. The act of rehabilitation literally builds additional

utility into the historic piece that it may continue to be useful, albeit with a new or modified purpose. The Standards for historic building rehabilitation are established as public policy by the Secretary of the Interior. These standards are published by the National Park Service. (See Appendix C.) If you can stand back from the project and recognize the designer’s original intent in its previous incarnation, then you probably have done a good job. To best follow the standards for rehabilitation one would minimize alterations or additions that would have serious impacts to the historic fabric. Any alterations and additions must be compatible with the size, scale, color, material, and character of the structure. Wherever possible, the alterations resulting from a rehabilitation shall be done in such a manner that if such alterations were to be removed in the future, the essential form and integrity of the structure would be largely unimpaired.

Restoration: the process of accurately returning the form and detail of a historic piece to serviceability as it would have appeared during an appropriate period of history by the removal of later work and the replacement of missing or substantially deteriorated earlier work. This process employs appropriate techniques from the crafts and trades that were first used to manufacture the item. Typically, there are two restoration types: cosmetic and functional. These restorations can be embarked upon individually or considered as separate steps to a complete restoration as time and resources allow. The goal of a cosmetic restoration is merely for the benefit of interpretation. To achieve this goal the restorer must first arrest the process of decay, while preparing the object for interpretation. This could



Glossary of Key Terms

be an interim step to a full functional restoration. A functional restoration is far more labor intensive and usually requires bottom-up resource care. The end result can be a historic structure that benefits the public not only for interpretation needs but with serviceable utility as well.

Remodel: Changing a building without regard to its distinctive, character defining architectural features or style. This term is not defined by the Secretary of the Interior because is not considered a valid practice in Historic Preservation.

Significance: The evaluation of a historic resource for qualities of historical value.

Stabilization: the act or process of applying measures designed to arrest, retard, or prevent deterioration, and to ensure structural integrity. This process would protect the item from the elements while maintaining the essential form of the artifact during the process. Stabilization standards insist that the structural integrity be maintained and, where necessary, reinforced to lessen the possibility of structural failure.

State Historic Preservation Office: The State agency recognized by the Secretary of the Interior as being responsible for helping to protect historical places, including historical buildings, historical districts, and archaeological sites. The State Historic Preservation Officer directs the State Historic Preservation Office and its functions.

Thematic Districts: A Historic District comprised of sites or properties that have similar or related characteristics, a sense of cultural cohesiveness, or any combination of these attributes but are defined

around a specific theme, instead of geographical lines and polygons. As with any Historic District, a determination of a Thematic District's eligibility for inclusion can be obtained at the local, state, or national level. (Also see Historic District).

Treatment Plan: a legally binding agreement between the parties to mitigate the adverse impacts to cultural resources. Stipulated within the treatment plan can be some rather costly requirements and conditions before the project proponent may obtain a permit to advance the proposed project.



Abbreviations



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Abbreviations

ACHP.....	Advisory Council on Historic Preservation
APE.....	Area of Potential Effect
CAD.....	Computer Aided Design
CAR.....	Condition Assessment Report
CDF.....	Character Defining Features
CLG.....	Certified Local Government
CRS.....	Cultural Resource Survey
DDA.....	Downtown Development Authority
DEQ.....	Department of Environmental Quality
HPC.....	Historic Preservation Commission
HPI.....	Historic Property Inventory
IEBC.....	International Existing Building Code
IBC.....	International Building Code
MOA.....	Memoranda of Agreement
MOU.....	Memoranda of Understanding
NHHO.....	Normal Hill Historic Overlay
NPS.....	National Park Service
SHPO.....	State Historic Preservation Office (or) Officer
SOI.....	Secretary of the Interior
THPO.....	Tribal Historic Preservation Office (or) Officer



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Appendix A: Historic Preservation Survey



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Appendix A: Historic Preservation Survey

1. Please tell us about yourself and your connection to Lewiston's heritage. Please choose all responses that describe you:

- a. Do you live in Lewiston? y/n
- b. Are you a business owner? y/n
- c. Are you an educator or student? y/n
- d. Do you have a general interest in history or historic preservation? y/n
- e. Do you utilize businesses in downtown Lewiston? y/n
- f. Do you live in a historic property? y/n
- g. Do you own a historic property? y/n
- h. Do you deal with history or historic preservation in your profession? y/n
- i. Do you work in real estate or the building trades? y/n

2. Please select one of the following that best describes your relationship to Lewiston.

- a. Full time Lewiston resident
- b. Part time Lewiston resident
- c. Full or part time resident elsewhere in Nez Perce County and employed in Lewiston
- d. Full or part time resident elsewhere in Nez Perce County and not employed in Lewiston
- e. Frequent visitor or vacationer in Lewiston
- f. Other (please specify:

3. How many years have you been living or spending significant time in Lewiston?

- a. Less than 1 year
- b. 1-5 years
- c. 6-10 years

- d. 11-20 years
- e. 21-30 years
- f. 31+ years

4. Please provide your age range:

- a. Under 18
- b. 18-25
- c. 26-35
- d. 36-45
- e. 46-55
- f. 56-65
- g. 65+

5. In order of importance, please list how beneficial do you feel Historic Preservation is to:

- a. Community Character
- b. Local/Heritage Tourism
- c. Economic Development
- d. Sustainability

6. How do you believe that Historic Preservation can benefit the Lewiston economy?

- a. Increasing tourism
- b. Renovation and reuse of historic buildings
- c. Encourages investment in downtown corridor
- d. Community participation in history projects or events
- e. Other (please specify):



Appendix A: Historic Preservation Survey

7. How familiar are you with the various groups advocating for historic preservation within Lewiston?

- a. I'm very familiar
- b. I'm pretty familiar
- c. I'm somewhat familiar
- d. I'm not really familiar at all

8. How do you feel historic preservation is viewed in your community? Please select all that apply.

- a. It's seen as an asset to the community
- b. It's seen as a hindrance to development
- c. It's not well understood
- d. Other (please specify):

9. How do you find historical information about Lewiston?

10. Do you engage with other historical community partners (Nez Perce County Historical Society, etc.)?

11. Do you think the City has adequate programs to promote and/or educate residents and visitors about the city's history?

- a. Strongly agree
- b. Somewhat agree
- c. Not sure
- d. Somewhat disagree
- e. Strongly disagree

12. What is your favorite historic building or neighborhood in Lewiston?

13. If you have family or friends visiting, what historic location or tradition/activity is a "must see?"

14. What buildings or places do you worry about losing in Lewiston?

15. Why do you think it is important to preserve and celebrate Lewiston's heritage? Please select up to three responses:

- a. Raises awareness of the city's history and emphasizes community pride
- b. Supports retention of community character
- c. Provides an educational opportunity for teaching the city's history
- d. Improves quality of life and creates a livable community for long term and newer residents
- e. It can encourage tourists to visit Lewiston
- f. Helps us value our past and share it with future generations



Appendix A: Historic Preservation Survey

16. What do you consider the biggest priority for historic preservation in Lewiston? Choose up to 3 priorities.

- a. Encourage more adaptive reuse (rehabilitation) projects
- b. Identify and document historic properties in the city
- c. Increase the number of properties listed to the National Register
- d. Public outreach/education to raise awareness on the benefits of historic preservation
- e. Increase use of financial incentives available to historic properties
- f. Celebrate the city's heritage
- g. Downtown building rehabilitation and compatible in-fill development
- h. Utilize historic preservation as a tool to support neighborhood character retention
- i. Establish a Lewiston landmark register to provide local designation and controls that protect properties from demolition
- j. Other:

17. What should Lewiston's vision be for Historic Preservation?

- a. Reuse/Rehab of historic buildings for new uses
- b. Encourage removal of blight and improvement of historic neighborhoods
- c. Interpretation and presentation of historical information (kiosks, signage, etc.)
- d. Other (please specify):

18. How do you rank preservation relative to other city initiatives such as public safety, transportation, or other community issues?

- a. Not a priority
- b. Low priority
- c. Medium priority
- d. High priority

19. What do you think when you see or hear the words "historic preservation"? What does historic preservation mean to you?

20. Do you have thoughts about how historic preservation has been handled in the City up to now?

21. As we move forward, what is the best way for you to stay involved in historical preservation? Select all that apply.

- Online surveys
- Virtual meetings
- Email
- Postal mailings
- In-person meetings
- City website



Appendix A: Historic Preservation Survey

22. If you would like to be contacted about future historic preservation projects, please provide your contact information below.

- Name
- Company
- Mailing Address
- Address2
- City, State, ZIP
- Email Address
- Phone Number

23. Do you have any other comments about historic preservation in Lewiston?



Appendix B: Historic Preservation Survey Tabulation



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Appendix B: Survey Tabulation



Figure 41: Responses to survey question #1

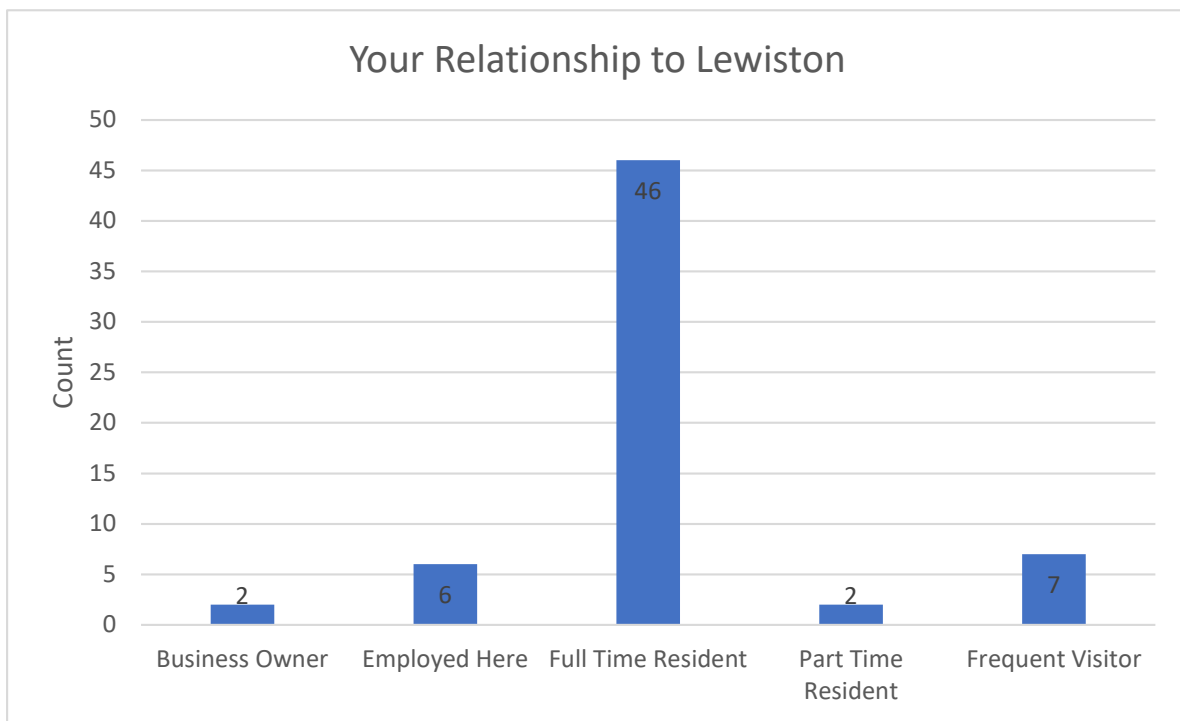


Figure 42: Responses to survey question #2



Appendix B: Survey Tabulation

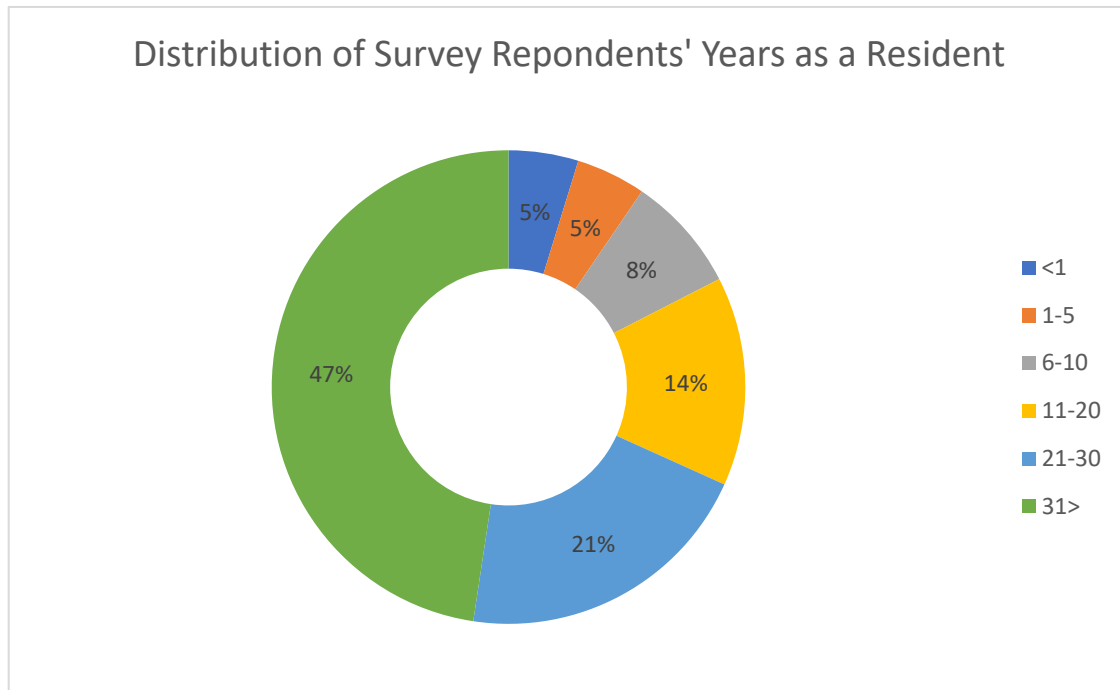


Figure 43: Survey demographics - responses to survey question #3

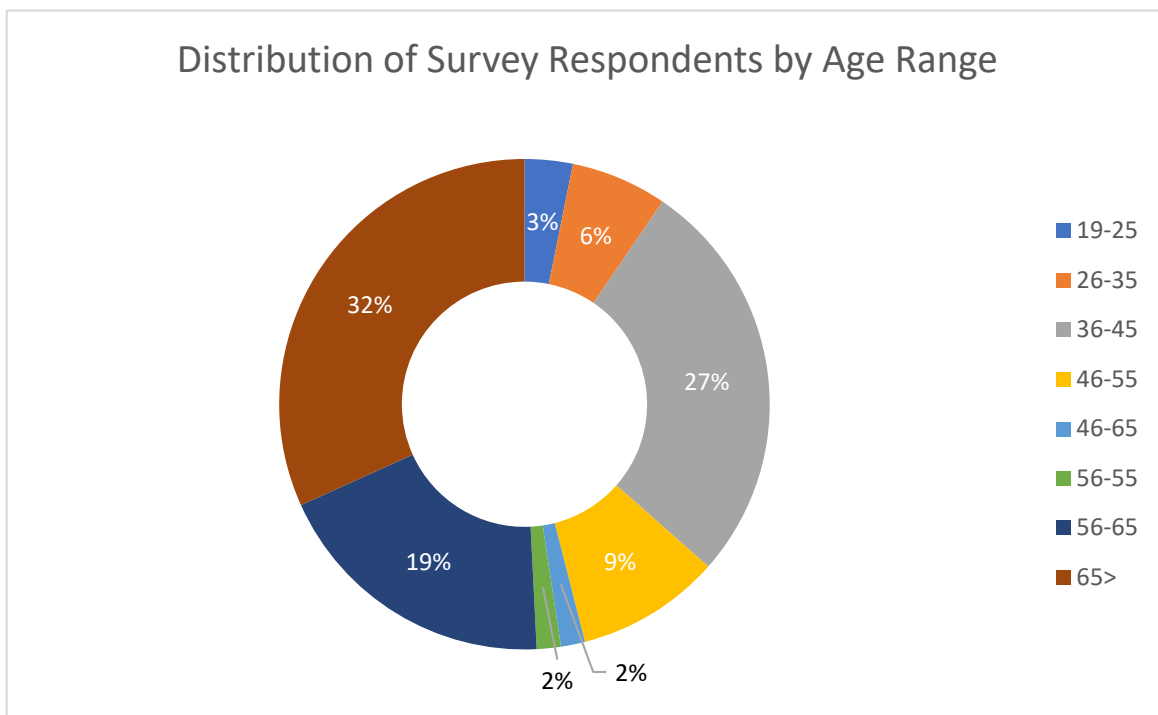


Figure 44: Survey demographics - responses to survey question #4



Appendix B: Survey Tabulation

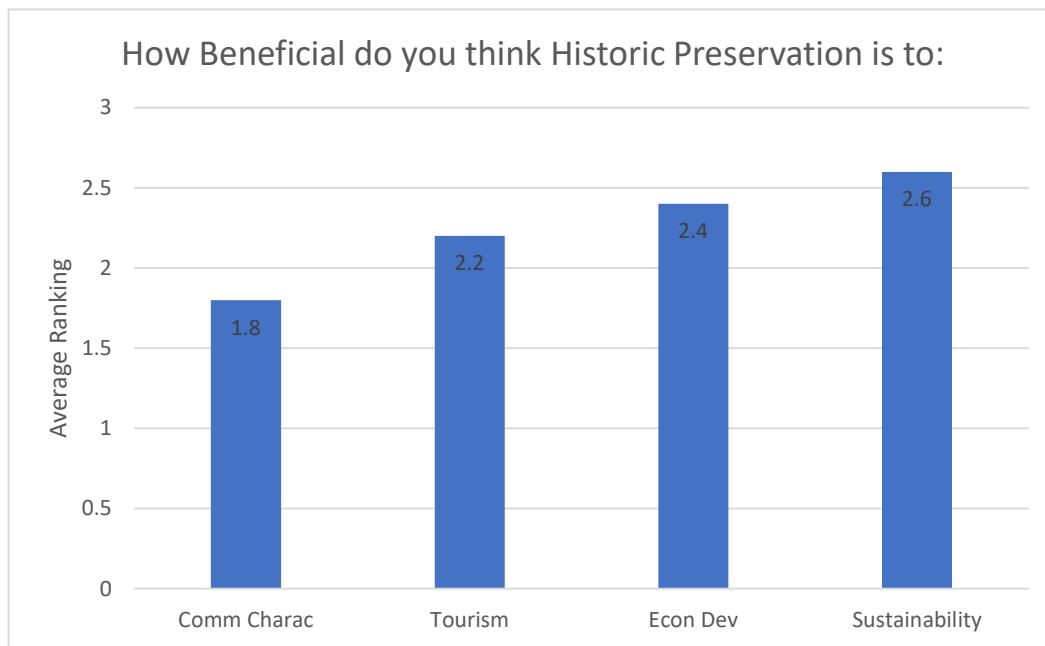


Figure 45: Responses to survey question #5 - ranked responses, lower number represents higher priority.

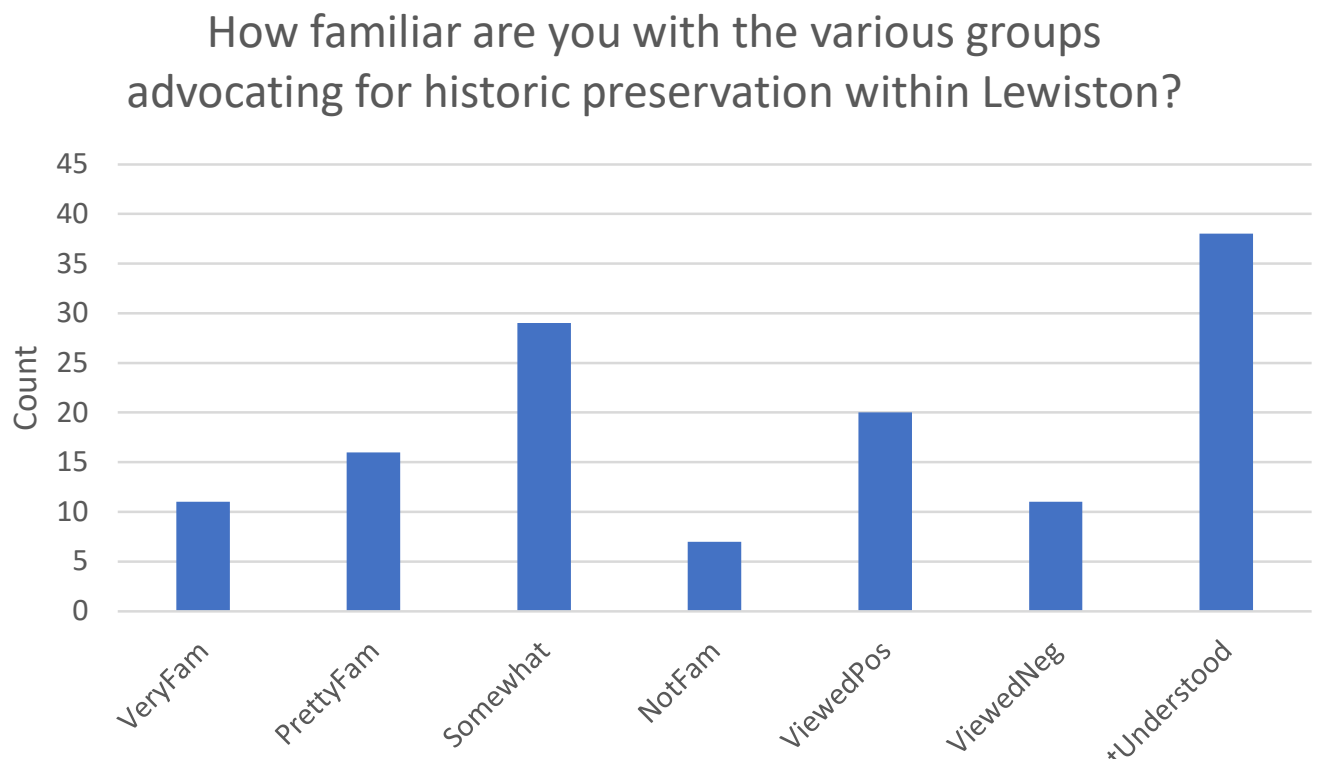


Figure 46: Responses to survey question #7



Appendix B: Survey Tabulation

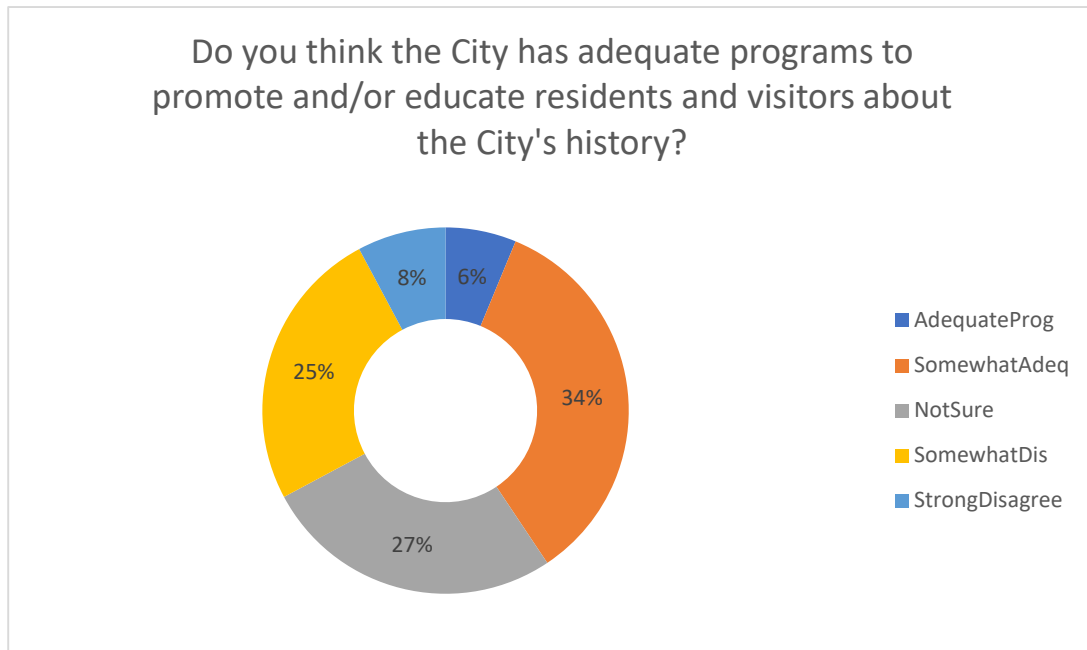


Figure 47: Responses to survey question #11.

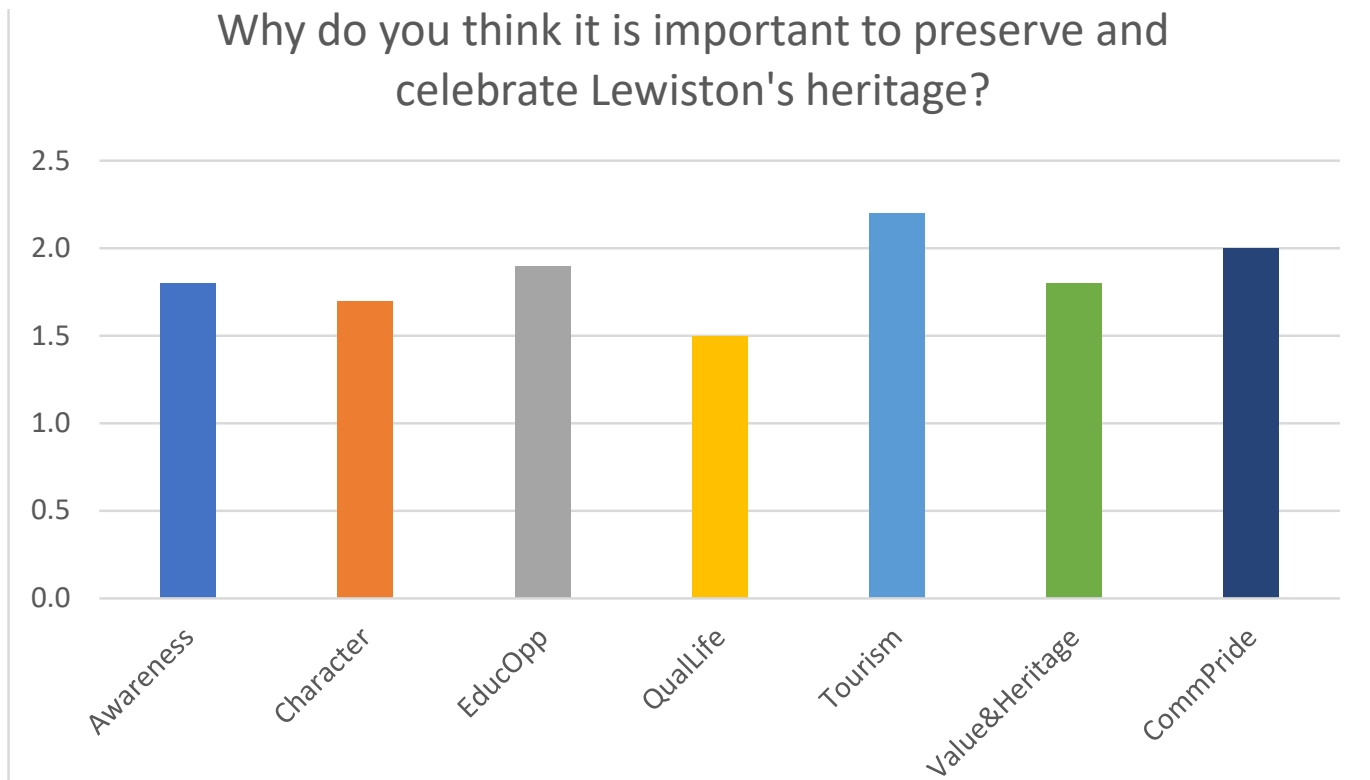


Figure 48: Responses to survey question #15 - lower number equates to higher priority.



Appendix B: Survey Tabulation

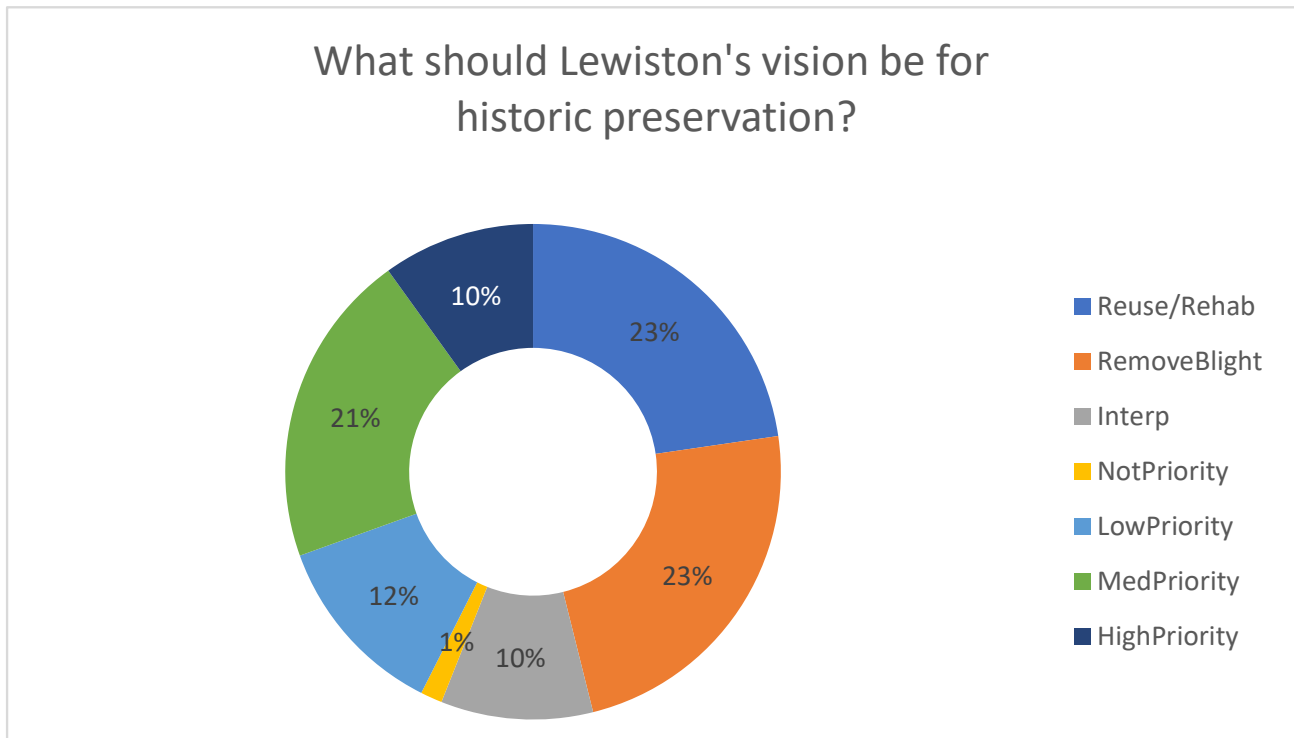


Figure 49: Responses to survey question #17



Figure 50: Responses to survey question #21



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Appendix C: Standards and Guidelines for Historic Preservation



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Appendix C: Standards and Guidelines

STANDARDS AND GUIDELINES

The National Parks Service (NPS) has developed Ten Rehabilitation Standards that speak to undertakings affecting historic objects where the goal is to rehabilitate the artifact.

1. Changes to historic fabric shall be minimized.
2. The historic character shall be retained and preserved.
3. Identify a Period of Significance to guide your rehabilitation.
4. Historic Alterations achieve their own significance and should be considered.
5. Distinctive craftsmanship shall be preserved.
6. Deteriorated materials shall be repaired first or replaced in-kind.
7. Do No Harm: abrasives, chemical treatments and heavy-handed techniques are avoided.
8. Protect Archaeological Resources - recordation and mitigation may be required.
9. Changes to the historic shall be compatible with the features and spatial relationships.
10. Improvements shall be reversible to disturb as little historic integrity as possible.

Changes to historic fabric shall be minimized.

The property should be used as it was originally intended and designed. However, when a new use is necessary, care should be taken so that the new use causes minimal change to distinctive materials, historic features, spatial relationships, and open spaces (interior & exterior).

The historic character shall be retained and preserved.

The removal of distinctive materials, the alterations of space and the spatial relationships that characterize the historic object shall be minimized.

Identify a Period of Significance to guide your rehabilitation.

Each artifact will be recognized as a physical record of its time, its place, and its use. Changes that create a false sense of historical development, such as adding conjectural materials, features, or elements from other historic properties will not be undertaken.

Historic Alterations achieve their own significance and should be considered.

Alterations to the artifact that are more than fifty years of age should be evaluated against the period of significance to determine whether they should be retained. Thorough documentation of historic alterations shall be made prior to deconstruction.

Distinctive craftsmanship shall be preserved.

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be studied and preserved.

Deteriorated materials shall be repaired first or replaced in-kind.

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in



Appendix C: Standards and Guidelines

design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Do No Harm: abrasives, chemical treatments and heavy-handed techniques are avoided.

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Protect Archaeological Resources recordation and mitigation may be required.

Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Changes to the historic shall be compatible with the features and spatial relationships.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Improvements shall be reversible to disturb as little historic integrity as possible.

New additions and adjacent new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of

the historic property and its environment will be unimpaired.

GENERAL STANDARDS

In addition to the ten Standards for Treatment of Historic Structures, there are eight General Standards which should define the care used in preservation undertakings.

1. The historic structure shall be put to use, either in a continuing use or a re-use, which requires minimal change to the historic qualities and appearance.
2. The character defining features shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the artifact shall be avoided.
3. Each piece of history shall be recognized as a physical record of its place, time and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other eras or structures, shall not be undertaken.
4. Most historic structures change or evolve over time; those changes that have acquired historical significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the artifact shall be preserved.
6. All historic structures should be subject to a program of preventative maintenance. Deteriorated historic features and their materials shall be repaired rather than replaced. Where the severity of deterioration requires removal of a distinctive feature, the



Appendix C: Standards and Guidelines

replacement shall match in design, color, texture, and other visual qualities; and, where possible, material. Replacement of missing features shall be substantiated by historical, physical, and pictorial evidence.

7. Every reasonable effort shall be made to protect and preserve physical evidence of features previously removed, replaced, altered, or otherwise affected in the course of the objects history.
8. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of railroad artifacts, if appropriate, shall be undertaken using the gentlest means possible.

Earlier the topic of integrity was brought up. Often integrity is confused with the term 'condition.' However, this is a misnomer. Even a ruin can possess a high degree of integrity when it is neither altered nor disturbed. There are two major considerations to the integrity of historic properties and objects: the character defining features and the materials. Consequently, the techniques used to apply or manufacture those materials are also considered here as well.



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