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## AT-WILL EMPLOYMENT

### I. INTRODUCTION

The employer/employee relationship for positions that are designated at-will can be terminated by either the employee or the city at any time, for any reason, with or without notice. There is no appeal right for employees in positions designated as at-will.

No representative or agent of the city, other than the mayor and city council, can authorize or sign an employment agreement making any binding offer of employment for a specific term.

In the sole discretion of the city, at-will employees may be eligible for placement into a different position in the city if permitted by the city's policies and regulations, or fire department general orders.

### II. AT-WILL POSITIONS

The following positions are designated as at-will:

Department directors – Exempt employees classified as department director meet the following criteria:

- A. Position is appointed by the mayor and confirmed by city council to direct and lead the activities of an established city department; and
- B. Serve at-will to the mayor by and with the advice and consent of city council in accordance with city code.

The mayor may terminate the employment of a department director by and with the affirmative vote of one-half (1/2) plus one of the members of the full city council; provided that the council, by the unanimous vote of all its members, may upon their own initiative terminate a department director. The library department director serves at-will to the Library Board of Trustees.

Senior managers - Exempt employees classified as senior managers meet all the following criteria by definition:

- A. Exercise overall management of a clearly delineated division which is documented on a department's official organization chart; **or** exercise independent authority over a singular critical function with citywide

- impact; **or** serve in an appointed position provided for in Boise city code and/or Idaho State Statute; **and**
- B. Report directly to the department director and is authorized to act on his or her behalf in a decision-making capacity; **and**
- C. Direct actions and results of major processes and programs, maintain controlling budget authority and full supervisory responsibility for employees in the functional area; **and**
- D. Status is designated as senior manager by documented job description, pay plan and Notice of Employee Action on file with Human Resources.

Senior managers serve at-will to the department director who, with approval of the mayor, may terminate the employment of a senior manager. The department director is prohibited from exercising the at-will option and terminating the employment of a senior manager for six months after the director's start date at the city as a director. If the director terminates the employment of a senior manager during the director's initial six months of employment, the director shall adhere to the due process procedures outlined in the city's Corrective Action regulation.

Fire department command staff - Exempt fire department employees classified as command staff meet the following criteria by definition:

- A. Fire union employees who are promoted or hired into a position not covered by their respective collective labor agreement or who continue to meet the definition of firefighter under Idaho State Statute; or
- B. command staff "status" is documented by job description and a personnel action form on file with Human Resources.

Command staff serve at-will to the department director who, with approval from the mayor, may terminate the employment of a command staff member. The department director is prohibited from exercising the at-will option and terminating the employment of a command staff member for six months after the director's start date as a department director. If the director terminates the employment of a command staff member during the director's initial six months of employment, the director shall adhere to the due process procedures outlined in the city's Corrective Action regulation.

Police department command staff –Exempt police department employees who meet the following definition are classified as command staff:

- A. Meet the definition of police officer under Idaho State Statute; and
- B. Are designated by the police department director to serve as commanders, documented by job description and personnel action form (PAF) on file with Human Resources.

Police lieutenants are command staff employees but are not at-will employees and may not be terminated or demoted unless the due process procedures outlined in the city's Corrective Action Regulation are adhered to by the department director or designee.

All other police department command staff employees are considered at-will. However, no at-will police department command staff employee may be terminated or demoted absent the conditions required to initiate the due process

procedures outlined in the city's Corrective Action Regulation during the first six months of the department director's employment as director, and the due process procedures outlined in the city's Corrective Action Regulation must be adhered to by the director. Absent the conditions required to initiate the due process procedures outlined in the city's Corrective Action regulation, after the initial six months of a police department director's employment as director, the police department director may, with the approval of the mayor, demote a command staff employee (other than police lieutenants) to an officer rank equivalent to the employee's time in service.

City treasurer - The city treasurer works at the direction of the director of the department of finance and administration and may be terminated by the mayor with the affirmative vote of one-half (1/2) plus one of the members of the full city council; provided that the council, by unanimous vote of all of its members, may upon their own initiative terminate the city treasurer.

Assistant city attorneys – All assistant city attorneys and deputy city attorneys serve at-will to the city attorney.

Office of police accountability staff - Investigators and temporary staff assigned to the office of police accountability serve at-will to the director of police accountability.

Mayor's office staff - All positions assigned to the mayor's office, including clerical support, interim positions, or any other position, added and approved by the council through the budget process, serve at-will to the mayor.

City council administrative staff – Administrative staff of the council serve at-will to the council. The city council may terminate the employment of administrative staff assigned to the council with the affirmative vote of one-half (1/2) plus one of the members of the full city council.

### III. SEPARATION AGREEMENT FOR DEPARTMENT DIRECTORS, SENIOR MANAGERS, FIRE AND POLICE COMMAND STAFF, & MAYOR'S OFFICE STAFF

When the city exercises the at-will option and severs the employment of a department director, senior manager, mayor's office staff member, fire command staff, or police command staff, except for police lieutenant, that individual, in the mayor's sole discretion, may be eligible to receive a severance package based on the following considerations:

- A. The individual's employment was not terminated for documented misconduct or unsatisfactory performance;
- B. The individual has currently worked for the city at least twelve (12) consecutive months; and
- C. The individual agrees to and signs a separation agreement and full release of claims prepared by the city.

Upon signing the severance agreement and in accordance with the agreement's terms, individuals who qualify for a severance package shall receive one week of base pay for each complete year worked or twelve weeks of base pay, whichever is greater. A partial year worked is rounded up to a complete year if days of service equal or exceed half the total service days for that year. "Pay" is base

salary only and does not include such things as shift differential, overtime or bonuses. The city withholds the usual federal taxes and other applicable deductions from the severance payment. In the mayor's discretion, the offered terms of the severance package may be altered, reduced, or enhanced.

#### IV. OFFICE OF POLICE ACCOUNTABILITY AND INTERNAL AUDIT OFFICES

The office of police accountability and the director of internal audit may only be removed from office for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties. In such cases that warrant removal from office, said removal shall be accomplished only by a resolution adopted in public hearing by either the majority of the full city council upon recommendation of the mayor or by a vote of no less than five (5) members of the full city council; nothing shall prevent the council from eliminating an independent office by the normal ordinance process which action shall not be considered a removal for cause but simply a change in policy by the city.

Staff auditors in the office of internal audit shall be hired by the director. An auditor may only be removed from office for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties as determined by the director. A decision by the director to remove an auditor may be appealed to city council within three (3) business days. A vote of no less than five (5) members of the full city council is required on appeal to remove an auditor.